

Council Agenda

Date: Thursday 15th December 2011
Time: 2.00 pm
Venue: Congleton Town Hall, High Street, Congleton, CW12 1BN

The agenda is divided into two parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Prayers**
2. **Apologies for Absence**
3. **Minutes of the meeting held on 13 October 2011 and the Special Meeting of the Council held on 14 November 2011 (Pages 1 - 24)**

To approve the minutes as a correct record.
4. **Mayor's Announcements**

To receive such announcements as may be made by the Mayor.
5. **Declarations of Interest**

To provide an opportunity for Members to declare any personal and/or prejudicial interests in any item on the agenda.

6. **Public Speaking Time/Open Session**

In accordance with Council Procedure Rule 35 and Appendix 7 to the rules, a total period of 15 minutes is allocated for members of the public to speak at Council meetings.

Individual members of the public may speak for up to 5 minutes, but the Chairman will decide how the period of time allocated for public speaking will be apportioned, where there are a number of speakers.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given. It is not a requirement to give notice of the intention to make use of public speaking provision. However, as a matter of courtesy, a period of 24 hours notice is encouraged.

7. **Notices of Motion** (Pages 25 - 30)

To consider the attached Notices of Motions, submitted in accordance with Procedure Rule 12.

8. **Recommendation from Cabinet - Shadow Health and Wellbeing Board Terms of Reference** (Pages 31 - 48)

To consider the recommendation of Cabinet.

9. **Recommendation from the Resources Portfolio Holder - Council Tax Base** (Pages 49 - 54)

To consider the recommendation of the Resources Portfolio Holder.

10. **Recommendation from the Strategic Planning Board - Notice of Motion relating to the Photovoltaic Roof Panel Scheme** (Pages 55 - 60)

To consider the recommendation of the Strategic Planning Board.

11. **Recommendation from the Constitution Committee - Notice of Motion Relating to the Rescission of Officer Delegated Powers Relating to Car Parking Charges** (Pages 61 - 66)

To consider the recommendation of the Constitution Committee.

12. **Recommendation from the Constitution Committee - Notice of Motion Relating to Local Service Delivery Committee Membership (Including Approval of Terms of Reference)** (Pages 67 - 74)

To consider the recommendation of the Constitution Committee.

13. **Recommendation from the Constitution Committee - Calendar of Meetings 2012/13** (Pages 75 - 104)

To consider the recommendation of the Constitution Committee.

14. **Recommendation from the Standards Committee - Appointment to Fill the Vacancy for a Parish Representative on the Standards Committee** (Pages 105 - 110)

To consider the recommendation of the Standards Committee.

15. **Member Mileage Rates** (Pages 111 - 114)

To approve the amendments to mileage rates which may be claimed by Members of the Council, as set out in the report.

16. **Supplementary Estimates - Mid Year Review** (Pages 115 - 120)

To approve the Supplementary Estimates, as set out in the report.

17. **Questions**

In accordance with Procedure Rule 11, opportunity is provided for Members of the Council to ask the Chairman, the appropriate Cabinet Member or the Chairman of a Committee any question about a matter which the Council, the Cabinet or the Committee has powers, duties or responsibilities. Questions must be sent in writing to the Monitoring Officer at least 3 clear working days before the meeting.

At Council meetings, there will be a maximum question time period of 30 minutes. Questions will be selected by the Mayor, using the criteria agreed by Council. Any questions which are accepted, but which cannot be dealt with during the allotted period will be answered in writing. Questions must be brief, clear and focussed.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**
held on Thursday, 13th October, 2011 at The Council Chamber, Municipal
Buildings, Earle Street, Crewe, CW1 9TL

PRESENT

Councillor R West (Chairman)
Councillor G M Walton (Vice-Chairman)

Councillors C Andrew, Rachel Bailey, Rhoda Bailey, A Barratt, G Barton, G Baxendale, D Brickhill, D Brown, L Brown, B Burkhill, P Butterill, R Cartlidge, J Clowes, S Corcoran, H Davenport, W S Davies, R Domleo, K Edwards, P Edwards, I Faseyi, J P Findlow, W Fitzgerald, R Fletcher, D Flude, H Gaddum, S Gardiner, L Gilbert, M Grant, P Groves, J Hammond, M Hardy, S Hogben, D Hough, P Hoyland, O Hunter, J Jackson, L Jeuda, M Jones, S Jones, F Keegan, A Kolker, D Mahon, D Marren, A Martin, M A Martin, P Mason, R Menlove, G Merry, A Moran, B Moran, G Morris, B Murphy, H Murray, D Neilson, D Newton, P Nurse, M Parsons, P Raynes, L Roberts, M Sherratt, B Silvester, M J Simon, L Smetham, D Stockton, A Thwaite, D Topping, M J Weatherill, P Whiteley, S Wilkinson and J Wray

Apologies

Councillors D Bebbington, G Boston, D Druce, A Harewood, W Livesley, J Macrae, S McGrory, J Saunders and C G Thorley

43 MINUTES OF THE MEETING HELD ON 21 JULY 2011**RESOLVED**

That the minutes of the meeting held on 21st July 2011 be approved as a correct record subject to an amendment to Minute 39, Supplementary Question to Question 11, to correct the phrase 'reducing child poverty' so that it reads 'eliminating child poverty'.

44 MAYOR'S ANNOUNCEMENTS**The Mayor**

1. Announced that on 1 September, he had been honoured to host the 'A team Awards' and Celebration Event at Middlewich Community Church, where the A-Team Apprentice of the year winners had been presented with their awards. The Council had welcomed over 80 apprentices in the past year working in all areas of the authority.

Three Apprentices of the Year, Nicola Hull, Kai Breton and Daniel Band, had been invited to the Council meeting where the Mayor

presented them with their certificates in formal recognition by the Council of their hard work.

2. Announced that last week he had the pleasure of launching the search for Local Heroes on Silk 106.9's Breakfast Show in Macclesfield. Now in their 13th Year, the Local Hero Awards recognised the unsung heroes of Cheshire East. He was delighted that Cheshire East Council was supporting the awards again, as thousands of people across the Borough, both young and old, selflessly gave up their time to help others and it was right that their efforts are recognised. Nominations were now open and needed to be submitted by 4th November. Anyone wishing to nominate and to find out more about the 12 award categories should go to the Silk 106.9 website.
3. Announced that last Sunday he had the privilege to attend the Care Awards at Tatton Park. The event celebrated the achievements of young people in the Council's care who had worked hard in their daily life to establish friendships, develop talents and succeed in their learning. It was also a celebration of those people who supported them on a daily basis, notably their carers, social workers and teachers. The Mayor had been honoured to be invited and be a small part of these truly inspirational awards. It had been a wonderful opportunity to pay tribute to the many and varied talents, and indeed strengths, of the children and young people in the care of Cheshire East Council.
4. Announced that his first Civic Service as Cheshire East Mayor would take place this coming Sunday at St George's Parish Church, Poynton at 11.00am with refreshments served at the British Legion Club from 10am. All Members of the Council should have received an invitation and he look forward to seeing them.

45 **DECLARATIONS OF INTEREST**

Councillors C Andrew, L Brown, K Edwards, M Hardy and L Roberts declared personal interests in relation to Item 7, Notice of Motion 8, as members of the Local Service Delivery Committee for Macclesfield.

Councillor D Flude declared a personal interest in relation to Item 7, Notice of Motion 9, as a Governor at Leighton Hospital, Crewe.

Councillor S Gardiner declared a personal and prejudicial interest in relation to Item 19 – Draft National Planning Policy Framework, as a practising planning consultant for a firm which submitted planning applications to Cheshire East Council.

Councillors W Fitzgerald and F Keegan declared personal and prejudicial interests in relation to Item 20 - Supplementary Capital Estimate for Alderley Edge Bypass.

46 **PUBLIC SPEAKING TIME/OPEN SESSION**

Mrs E Bostock, Mr P McHugh, Mr J Tittensor, Mr J Latham, Mrs G McIntyre, Mrs L Hassall, Mr Jones and Mr Williams spoke in opposition to a proposed housing development on a Greenfield site off Gresty Lane, Shavington on the grounds that the development would blur the distinction between Shavington and Crewe, threatening the separate identities of both communities, that the local highways infrastructure could not support the development, that it would lead to increased traffic congestion and that the increased population would place additional pressures on the local doctors' surgery. It was also claimed that existing Section 106 Agreements protected wildlife in the area and provided that a spine road should be constructed before any further development could take place.

Mrs Charlotte Peters Rock, representing Knutsford Area for Knutsford Action, referred to the deep concern of the people of Knutsford that vulnerable, disabled adults, and those suffering from dementia, were being removed from the Knutsford area. She went on to say that claims that the Stanley Centre was 'well past its sell-by date' and that 'the top two floors were empty and decaying rapidly' were untrue, that a suggestion that the number of people using the Centre had fallen over the last year was misleading, and that this brought Cheshire East Council into disrepute.

Mr John Jones had given notice of a question regarding a proposed travellers site in Coppenhall, Crewe. Mr Jones questioned the suitability of the site, claiming that the 'positive' criteria used were misleading and that the differences between the site and other potential sites had been exaggerated. He then asked which planning committee would be considering the planning application, and when, and sought details of the public consultation that would take place. Finally, in the event that planning permission were granted, he asked when construction would begin, when the first residents would be expected to move in, what procedure if any would be used for selecting residents and what sanctions would be taken against those who behaved 'in a manner inappropriate in a respectable residential neighbourhood'.

Councillor R Bailey, as the relevant Portfolio Holder, replied as follows:

"The Council has considered a range of sites within the Middlewich, Sandbach, Crewe and Nantwich Areas for the provision of a residential gypsy site. The area of search corresponded both with the area in which gypsies and travellers traditionally reside and the localities which have seen unauthorised residential sites granted via planning appeals.

The sites were assessed against physical, ecological and sustainability criteria.

The land at Parkers Road is considered to have a number of advantages:

- It is close to the urban area – but not adjoining it;

- Schools, shops and other facilities are within safe and easy walking distance (there is a footpath on Parkers Road itself);
- The site is flat and relatively free from constraints;
- Good road access;
- It is an area which Gypsies and Travellers are known to use; and
- Preliminary work (including a new survey) has already been carried out.

Alternative sites were not considered to have the same advantages

The application will be determined by the Council's Strategic Planning Board or a body determined by the Board, and the meeting would hopefully be held in Crewe. It is anticipated that the application will be submitted during November and determined in January or February. The planning application process will allow for full public consultation in the normal way.

It is too early to say when or if construction will start, as any decision must await the outcome of the planning process. Equally it would be premature to consider the precise arrangements made with future tenants. However, one of the advantages of a Council operated site as opposed to a private one is that we can ensure it is properly managed and that all necessary steps are taken to ensure the site is properly maintained and that occupiers abide by the regulations governing the site.

Subject to the outcome of the planning application, the Council would seek funding from the Government to develop the site.

Once it is known that there is a dedicated gypsy and traveller site in Cheshire East, this will make it less likely that gypsies and travellers will settle on other land within the Borough."

47 **NOTICES OF MOTION**

1. Consideration was given to the following Notice of Motion submitted by Councillor D Brickhill.

"That the Council's decision at its meeting on 24th February 2011 to approve an Interim Planning Policy on the Release of Housing Land (Minute 95 refers) should be rescinded."

The Motion was seconded by Councillor B Murphy.

RESOLVED

That the Motion stand referred to the Strategic Planning Board.

2. Consideration was given to the following Notice of Motion submitted by Councillor D Brickhill.

“In view of the Scrutiny Committee recommendation not to set up a new 125 year lease for the Crewe Heritage site being ignored, the Council has extremely grave concerns about the process which was adopted.”

The Motion was seconded by Councillor P Edwards.

RESOLVED

That the Motion stand referred to Cabinet.

3. Consideration was given to the following Notice of Motion submitted by Councillor D Brickhill.

“That since the relocation of the Crewe Market to the Lyceum Square, market trade has dramatically declined and accordingly the outdoor market should be relocated to the position required by the residents when consulted, which was in and adjacent to the Town Square near to Marks and Spencer’s.”

The Motion was seconded by Councillor B Burkhill.

RESOLVED

That the Motion stand referred to Cabinet.

4. Consideration was given to the following Notice of Motion submitted by Councillor D Brickhill.

“That since the introduction of the higher than RPI increase in charges for the Crewe Market, the number of traders has dropped considerably and the new charges should be reviewed and be returned to the 2009 level to encourage the regeneration of the market.”

The Motion was seconded by Councillor A Moran.

RESOLVED

That the Motion stand referred to Cabinet.

5. Consideration was given to the following Notice of Motion submitted by Councillor D Brickhill.

“That the delegated powers to officers to alter car parking charges be rescinded and the powers returned to the Cabinet Member.”

The Motion was seconded by Councillor A Moran.

RESOLVED

That the Motion stand referred to the Constitution Committee.

6. Consideration was given to the following Notice of Motion submitted by Councillor D Brickhill.

“That the annual target for housing in Cheshire East, set in the regional spatial strategy, already rescinded by the Government, be reduced from 1000+ to 710 per annum to give a five year requirement of 3550 which is already available.”

The Motion was seconded by Councillor P Edwards.

RESOLVED

That the Motion stand referred to the Strategic Planning Board.

7. Consideration was given to the following Notice of Motion submitted by Councillor D Brickhill.

“That since the government is running the Photovoltaic roof panel scheme for householders to generate green electricity and have exempted this from all planning permission requirements, that this Council notify any enquirers that planning permission is not required and cease to require details, drawings or charges except for listed buildings or conservation areas for which permission is still required.”

The Motion was seconded by Councillor B Burkhill.

RESOLVED

That the Motion stand referred to the Strategic Planning Board.

8. Consideration was given to the following Notice of Motion submitted by Councillors D Neilson and B Murphy:

“In view of the consultative role of the Local Service Delivery Committee for Macclesfield, plus the request from the Cabinet in relation to precepting powers for the Committee and in order to enhance its mandate to reflect opinion across the town, the Council requests the Constitution Committee to re-consider the Committee's composition, with a view to incorporating into its membership all elected Councillors for the unparished area.”

RESOLVED

That the Motion stand referred to the Constitution Committee.

9. Consideration was given to the following Notice of Motion submitted by Councillors M Simon and J Saunders:

“This Council is concerned about the smooth transition of the Cheshire East Local Involvement Network (LINK) into Healthwatch, due to uncertainty around funding arrangements for the Support Team.

The Support Team has funding to March 2012 which makes forward planning difficult. It is very important that the LINK is able to maintain its current training programme, which is necessary to enable members to be authorised to carry out Enter and View inspections (for which the LINK has been commended by the Care Quality Commission) and to enable the LINK to fulfil its intentions as set out in the Pathfinder application to the Department of Health.

Funding is also needed to pump prime Healthwatch activity to enable a seamless transition from LINK to Healthwatch (in October 2012), including an engagement strategy, rebranding and maintaining and developing current and future relationships.

This Council urges Cheshire East MPs to confirm and clarify that funding for LINKs will be available at the earliest opportunity to enable transition arrangements to be planned and a smooth handover to be achieved.”

It was agreed and seconded that the wording of the Motion be amended to include the words “and the Secretary of State for Health” after “Cheshire East MPs” in the final paragraph.

RESOLVED

That the Motion as amended stand referred to Cabinet.

48 **RECOMMENDATION FROM THE LICENSING COMMITTEE -RE-ADOPTION OF SECTIONS 14 - 17 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (AS AMENDED)**

The Licensing Committee at its meeting on 12th September 2011 had considered a proposal to re-adopt the provisions of sections 14 - 17 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended), which related to acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis within the Borough of Cheshire East.

The Committee had recommended that Council approve the proposal.

RESOLVED

That

- (1) Sections 14 to 17 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) ('the 1982 Act') be adopted and shall apply to the Borough of Cheshire East with effect from 1 December 2011; and that section 15 of the 1982 Act shall apply within the Borough of Cheshire East to all of the descriptions of persons within sub-section 15(1), i.e. persons carrying on the business of tattooing, of semi-permanent skin-colouring, of cosmetic piercing, or of electrolysis; and
- (2) the Borough Solicitor, or officer acting on her behalf, be authorised to publish notice of the above resolution in accordance with statutory requirements.

49 **RECOMMENDATION FROM THE LICENSING COMMITTEE -RE-ADOPTION OF SCHEDULE 4 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING**

The Licensing Committee at its meeting on 12th September 2011 had considered a proposal to re-adopt the provisions of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (in relation to street trading) within the Borough of Cheshire East.

The Committee had recommended that Council approve the proposal.

RESOLVED

That Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended) be adopted and apply to the Borough of Cheshire East with effect from 1 December 2011.

50 **RECOMMENDATION FROM THE CONSTITUTION COMMITTEE - HONORARY ALDERMEN**

The Constitution Committee at its meeting on 22nd September 2011 had considered the recommendations of the Civic Sub-Committee in relation to conferring on former Members of the Council the title of Honorary Alderman. The Sub-Committee had recommended that the title of Honorary Alderman be conferred on the following former Members of the Council:

Mr Ainsley Arnold
Mr David Cannon
Mr Ray Westwood
Mr Andrew Knowles
Mr Tony Ranfield
Mr John Goddard

The Sub-Committee had also made recommendations regarding the ceremony.

The Committee had approved the Sub-Committee's recommendations for recommendation to Council.

In moving the Committee's recommendations, the Chairman, Councillor A Martin, informed Council that since the agenda papers for the Committee had been published, it had come to light that former Councillor Brian Dykes also fulfilled the criteria of 'eminent service' for the purpose of becoming an Honorary Alderman.

Councillor Martin also informed Council that the formal ceremony would take place at 4.15 pm on Monday, 14th November 2011 at the Lyceum Theatre, Crewe. Arrangements for the ceremony were well in hand.

RESOLVED

That

(1) the title of Honorary Alderman be conferred on the following former Members of the Council:

Mr Ainsley Arnold
Mr David Cannon
Mr Brian Dykes
Mr John Goddard
Mr Andrew Knowles
Mr Tony Ranfield
Mr Ray Westwood

(2) it be noted that the formal ceremony will take place at a special meeting of the Council to be held at 4.15 pm on Monday, 14th November 2011 at the Lyceum Theatre, Crewe; and

(3) the ceremonial procedure set out in paragraph 6.6 of the report to the Civic Sub-Committee be approved for the special Council meeting.

51 RECOMMENDATION FROM THE CONSTITUTION COMMITTEE - PLANNING PROTOCOL OF CONDUCT

The Constitution Committee at its meeting on 22nd September 2011 had considered an amended version of the Planning Protocol of Conduct which had been developed by the Planning Protocol Sub-Committee. The aim had been to review the existing Planning Protocol with a view to redrafting it as short, sensible guide.

The revised version of the Protocol had been approved by the Strategic Planning Board and the Standards Committee with one slight amendment which had been included in the version submitted to Council. The Constitution Committee had recommended that the Protocol as amended be approved by Council.

RESOLVED

That the revised Planning Protocol of Conduct be approved for adoption and inclusion in the Constitution.

52 RECOMMENDATION FROM THE CONSTITUTION COMMITTEE - REVIEW OF POLLING DISTRICTS AND POLLING PLACES

The Constitution Committee at its meeting on 22nd September 2011 had considered a proposal to recommend to Council that the final decision concerning the outcome of the Polling Districts and Polling Places Review be delegated to the Constitution Committee at its meeting on 17th November 2011.

The final decision needed to be made before the 1st December 2011 in order to meet the statutory timescale for the review. This would necessitate a special Council meeting. The most likely date for such a meeting would be 18th November 2011. However, it was apparent that there would be no other items of business requiring decision at such a meeting.

RESOLVED

That the final decision concerning the outcome of the Polling Districts and Polling Places Review be delegated to the Constitution Committee at its meeting on 17th November 2011.

53 RECOMMENDATION FROM THE CONSTITUTION COMMITTEE - URGENT DECISION-MAKING

The Constitution Committee at its meeting on 22nd September 2011 had considered proposed changes to the Council's arrangements for making urgent decisions.

The Council's existing arrangements empowered the Chief Executive or her nominee to make urgent executive and non-executive decisions in circumstances where such decisions were required before the next meeting of the relevant decision-making body. It was suggested that consideration should be given to securing Member involvement in making urgent decisions, with appropriate officer advice and involvement. Appendix B of the report to the Constitution Committee contained proposed urgency provisions which, if agreed, would need to be incorporated into the Constitution.

The Constitution Committee had approved the proposals for recommendation to Council subject to the following amendments:

“with regard to urgent executive decisions:

- the relevant scrutiny chairmen be notified of the matter *and invited to make representations*;
- *all* Opposition Group leaders be notified of the matter and invited to make representations.”

A revised version of Appendix B incorporating the amendments agreed by the Constitution Committee had been submitted to Council.

In moving the Committee’s recommendations, the Chairman, Councillor A Martin, proposed two further amendments as follows:

- the urgency sub-committee to be appointed to consider urgent Council decisions comprise 5 Members of the Council (ratio 3:1:1) and the Mayor *as a non-voting member*.
- the following provision be added to the proposed urgency provisions:

Scrutiny committees can review the reasons for the urgency of a decision and the process adopted.

RESOLVED

That

- (1) subject to the further amendments now proposed, the revised arrangements for making urgent decisions as set out in the revised version of Appendix B to the report to the Constitution Committee be approved and adopted; and
- (2) the Borough Solicitor and Monitoring Officer be authorised to make such additions and amendments to the Constitution as she considers are necessary to give effect to the wishes of Council.

54 RECOMMENDATION FROM THE CONSTITUTION COMMITTEE - QUESTIONS AT COUNCIL MEETINGS

The Constitution Committee at its meeting on 22nd September 2011 had considered proposed changes to the arrangements for questions at Council meetings.

The Officers had received a number of comments from Members about the current arrangements for questions at Council meetings: that question time took too long; there were too many questions being asked; that some questions could be asked of Officers or Portfolio Holders; and that primary questions sometimes contained a number of subsidiary questions.

A number of potential amendments to the question time provisions had been circulated to the Committee for consideration as set out in Appendix

B to the Committee's report. The Committee had approved the proposals for recommendation to Council subject to the following amendments:

- a maximum period of 30 minutes be allocated for Members' questions at Council;
- questions be selected by the Mayor in accordance with the criteria as amended;
- those Members submitting more than one question may indicate the priority of importance of each question;
- criterion 2(a) be deleted;
- criterion 2(e) be amended to include reference to executive business;
- paragraphs 3, 5 and 10 be deleted;
- written answers to accepted questions which cannot be dealt with at the meeting be copied to all Members of the Council and not just the questioner;
- the current deadline of 3 clear working days for the submission of questions be retained.

The Committee had also agreed to review the arrangements after 12 months.

A revised version of Appendix B incorporating the amendments agreed by the Constitution Committee had been submitted to Council.

In moving the Committee's recommendations, the Chairman, Councillor A Martin, proposed that the revised arrangements be reviewed after 6 months instead of 12.

The motion as set out in the resolution below was moved and seconded.

A requisition for a named vote was submitted and duly supported, in accordance with the provisions of Council Procedure Rule 15.2.

The motion was put to the meeting with the following results:

For	Against	Abstain
C Andrew	D Brickhill	-
Rachel Bailey	B Burkhill	
Rhoda Bailey	R Cartlidge	
Andrew Barratt	S Corcoran	
G Baxendale	K Edwards	
D Brown	P Edwards	
L Brown	I Faseyi	
J Clowes	R Fletcher	
H Davenport	D Flude	
S Davies	M Grant	
R Domleo	S Hogben	
J P Findlow	D Hough	
W Fitzgerald	J Jackson	

H Gaddum	L Jeuda
L Gilbert	S Jones
P Groves	D Mahon
J Hammond	P Martin
M Hardy	B Murphy
O Hunter	D Newton
M Jones	P Nurse
A Kolker	M Parsons
D Marren	L Roberts
A Martin	M Sherratt
P Mason	
R Menlove	
G Merry	
B Moran	
G Morris	
P Raynes	
B Silvester	
M Simon	
A Thwaite	
D Topping	
G Walton	
J Weatherill	
R West	
P Whiteley	
S Wilkinson	
J Wray	

The motion was declared carried, with 39 votes for, 23 against and no abstentions.

RESOLVED

That

- (1) the revised arrangements for questions at Council meetings as set out in the revised version of Appendix B to the report to the Constitution Committee be approved and adopted;
- (2) the Borough Solicitor and Monitoring Officer be authorised to make such additions and amendments to the Constitution as she considers are necessary to give effect to the wishes of Council; and
- (3) the arrangements be reviewed after 6 months.

55 RECOMMENDATION FROM THE CONSTITUTION COMMITTEE - MEMBER ACCESS TO PART 2 AND CONFIDENTIAL REPORTS

The Constitution Committee at its meeting on 22nd September 2011 had considered proposed changes to the Council's policy on providing access

for Members to Part 2 and confidential reports in order to address perceived problems with the current arrangements. It was proposed that all Part 2 and confidential reports could be released to Members upon request, except for reports containing the following sensitive categories, which would be excluded from automatic release:

- Staffing information, where the identity of Officers would be revealed; and
- Information relating to vulnerable children or adults

Members could access documents within these categories if they were able to demonstrate a need to know. To facilitate this, a revised 'need to know' procedure was proposed as set out at Appendix B to the Committee's report.

The Committee resolved to recommend to Council that the revised arrangements be approved subject to the category relating to staffing information being amended to refer to the identity of *individual* Officers. It was recommended that the arrangements be introduced initially for a six month trial period, after which they would be reviewed.

A revised version of Appendix B incorporating the amendment agreed by the Constitution Committee had been submitted to Council.

RESOLVED

That

- (1) the proposed approach to access to Part 2 and confidential papers, including the revised 'need to know' procedure set out in the revised version of Appendix B of the report to the Constitution Committee, be approved;
- (2) the Borough Solicitor be authorised to make such changes and additions to the Constitution as she considers are necessary in order to give effect to the wishes of Council; and
- (3) the arrangements be put in place for a trial period of 6 months, after which they be reviewed.

56 RECOMMENDATION FROM THE CONSTITUTION COMMITTEE - PROPOSED AMENDMENTS TO CONTRACT PROCEDURE RULES

The Constitution Committee at its meeting on 22nd September 2011 had considered proposed amendments to the Council's Contract Procedure Rules.

At its meeting on 14th July 2011, the Committee had deferred consideration of a report on revised Contract Procedure Rules to enable further work to be carried out. Council at its meeting on 21st July had noted the Committee's decision and resolved that in the interim, the financial

threshold at which the Rules require a formal tendering procedure be increased from £50,000 to £75,000. The Committee had resolved to recommend the revised Rules to Council.

The proposed amendments to the Contract Procedure Rules were outlined in the Committee's report and highlighted in the Appendix to the report. These included making permanent the change to the financial threshold for tendering.

RESOLVED

That the amendments to the Contract Procedure Rules (as set out in the Appendix of the report to the Constitution Committee) be approved and the Constitution be amended accordingly.

57 RECOMMENDATION FROM THE CONSTITUTION COMMITTEE - PROPOSED INTERIM AMENDMENTS TO THE OFFICER DELEGATION SCHEME

The Constitution Committee at its meeting on 22nd September 2011 had considered proposed interim amendments to the Council's Officer Delegation Scheme.

The Officer Delegation Scheme had been revised to reflect the most recent changes to the senior management structure. The Scheme had also been revised at paragraph 5.2 to empower officers to deal with statutory procedures or undertake consultation exercises on the basis that in doing so they must consult appropriate members. In addition, a separate exercise had been undertaken by the Assets Team in consultation with relevant Portfolio holders to clarify responsibility for the control and management of the Council's Assets so that day-to-day operational decisions were delegated in future to the Strategic Director (Places and Organisational Capacity).

Only interim changes shown underlined were being proposed to reflect the fact that the Officer Delegation Scheme would need to be consistent with the provisions in the Finance and Contract Procedure Rules and any changes arising from the management review of the third, fourth and fifth tiers being undertaken by the Chief Executive.

The Officer Scheme of Delegation, showing proposed amendments highlighted, was set out in the Appendix to the Committee's report. The Committee had approved the interim arrangements for recommendation to Council, subject to the amendment of paragraph 5.2 to refer to 'non-statutory *statistically valid* consultations'. In approving the arrangements, the Committee had resolved that a presentation on the Corporate Landlord Function should be made to the Corporate Scrutiny Committee.

A revised version of the Appendix incorporating the amendment agreed by the Constitution Committee had been submitted to Council.

RESOLVED

That

- (1) the interim amendments to the Officer Delegation Scheme, as set out in the Appendix to the Committee's report (as amended), be approved and the Constitution be amended accordingly; and
- (2) in order to ensure that the Council's documented decision-making arrangements properly reflect the emerging structure, and that existing officer delegations remain unaffected pending the completion of the senior management review, all existing delegations shall remain effective and shall accrue to the relevant post holders as appropriate.

**58 RECOMMENDATION FROM THE CONSTITUTION COMMITTEE -
BOUNDARY COMMISSION FOR ENGLAND: REVIEW OF
PARLIAMENTARY CONSTITUENCY BOUNDARIES**

The Constitution Committee at its meeting on 22nd September 2011 had considered a proposal that Council be asked at its meeting on 13th October 2011 to delegate to the Constitution Committee the power to respond to the Boundary Commission review of Parliamentary Constituency boundaries.

The Boundary Commission had published its initial proposals on 13th September 2011. This would be followed by a 12 week consultation period, ending on 5th December 2011.

The Council's response to the review would normally be agreed by Council. However, the tight timescale within which the Council's response had to be submitted would not make this possible unless a special meeting of Council were convened.

The Committee had appointed a sub-committee to manage the process. A briefing would be arranged for all Members of the Council, at which they would have an opportunity to comment on the review. Any comments could then be reported to the review sub-committee.

RESOLVED

That the Constitution Committee be granted delegated powers to determine the Council's final response to the Boundary Commission review of Parliamentary Constituency boundaries, and the Council's formal response to the review be submitted in writing.

59 **RECOMMENDATION FROM CABINET - DRAFT NATIONAL PLANNING POLICY FRAMEWORK**

The Cabinet at its meeting on 3rd October 2011 had considered a report on the draft National Planning Policy Framework which would replace all current Planning Policy Statements; the report outlined some of the issues it raised for planning in Cheshire East and suggested a response to be made by the Council to the current consultation.

The proposed response, detailed in Appendix 1 of the report, had been considered by the Strategic Planning Board at its meeting on 28th September 2011; the Board had supported the draft response but had made the following additional comments:

- That the response should say more about the importance of agriculture – as a producer of food and as an important business – and that the role of agricultural land should be given greater prominence in the debate over the development of land.
- That wherever possible officers will suggest new wording to accompany our comments of concern. It is considered that comments will carry more weight if positive wording is put forward in some cases.

Cabinet had agreed that these comments should be incorporated into the response and, in addition, that the section in the covering response entitled 'The Favourable Presumption and Plans under preparation' should be expanded to include:

- That local plans remain protected until such time as the new National Planning Policy Framework is in place, and
- That information be included on the number of plans currently approved and in the pipeline awaiting implementation.

The following additional amendments to Appendix 1 were now proposed:

- The deletion of paragraph 2; and
- 'Natural Environment' paragraph 3, line 2 be amended to replace the word 'will' with the phrase 'may as a last resort'.

RESOLVED

That the consultation response detailed in Appendix 1 of the report be approved, subject to the amendments proposed by the Strategic Planning Board and Cabinet, and to the additional amendments now proposed.

60 **SUPPLEMENTARY CAPITAL ESTIMATE - ALDERLEY EDGE BY-PASS SCHEME**

Council considered a request for approval of a supplementary capital estimate for the Alderley Edge Bypass Scheme.

The Capital Programme included a major scheme for the A34 Alderley Edge and Nether Alderley Bypass. The estimated costs of the scheme now exceeded approvals by over £3m, largely as a result of forecast increased land and compensation claims. Council approval was therefore sought to meet these additional costs. It was proposed that potential income arising from the sale of land and property holdings acquired for the scheme could be used to finance the costs. Further details were set out in the Appendix to the report.

RESOLVED

That a supplementary capital estimate of £3,062,498 be approved for Alderley Edge By Pass as detailed in the Appendix to the report.

[Note: having earlier declared personal and prejudicial interests in relation to this matter, Councillors W Fitzgerald and F Keegan were not present during its consideration.]

61 **LEADER'S REPORT TO FULL COUNCIL**

The Leader of the Council announced the following changes to the Cabinet since the previous meeting:

Councillor Michael Jones had been appointed as Resources Portfolio Holder with effect from 1 September 2011.

Councillor Peter Groves had been appointed as Resources Cabinet Support Member with effect from 1 September 2011.

Councillor Peter Raynes had been appointed as Environment Cabinet Support Member with effect from 22 September 2011.

RESOLVED

That the appointments be noted.

62 **QUESTIONS**

The Mayor ruled that in view of the lateness of the hour, Members' questions would not be dealt with at the meeting and that the answers to questions would be sent to all Members of the Council.

The meeting commenced at 2.00 pm and concluded at 7.50 pm

Councillor R West (Chairman)
CHAIRMAN

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CHESHIRE EAST COUNCIL

Minutes of a Special Meeting of the **Council**
held on Monday, 14th November, 2011 at Lyceum Theatre, Crewe

PRESENT

Councillor R West (Chairman)
Councillor G M Walton (Vice-Chairman)

Councillors C Andrew, Rachel Bailey, Rhoda Bailey, A Barratt, G Baxendale, D Bebbington, D Brickhill, D Brown, P Butterill, J Clowes, H Davenport, W S Davies, R Domleo, K Edwards, P Edwards, I Faseyi, J P Findlow, W Fitzgerald, R Fletcher, D Flude, S Gardiner, L Gilbert, M Grant, P Groves, J Hammond, A Harewood, J Jackson, W Livesley, D Mahon, D Marren, A Martin, M A Martin, P Mason, G Merry, B Moran, H Murray, D Newton, P Nurse, P Raynes, M Sherratt, B Silvester, M J Simon, L Smetham, D Stockton, C G Thorley, A Thwaite, D Topping, M J Weatherill, P Whiteley, S Wilkinson and J Wray

Apologies

Councillors G Boston, L Brown, B Burkhill, R Cartlidge, S Corcoran, H Gaddum, M Hardy, S Hogben, P Hoyland, O Hunter, L Jeuda, M Jones, F Keegan, J Macrae, S McGrory, R Menlove, A Moran, B Murphy, M Parsons, L Roberts and J Saunders

63 PRAYERS

The Mayor's Chaplain, Reverend Rob McLaren, said Prayers.

64 DECLARATIONS OF INTEREST

None.

The Mayor reported that several Cheshire East Councillors had been conferred with the title of Alderman, by the predecessor Councils and that the Borough Solicitor had confirmed that it was not necessary for these Members to declare a personal interest.

65 ADMISSION OF HONORARY ALDERMEN

The Council, at its meeting on 13 October 2011, had resolved that the title of Honorary Alderman be conferred on the following former Members of the Council: -

Mr Ainsley Arnold
Mr David Cannon
Mr Brian Dykes
Dr John Goddard

Mr Andrew Knowles
Mr Tony Ranfield
Mr Ray Westwood

The Mayor formally invited Council to consider the admission of Honorary Aldermen.

The Leader of the Council, Cllr Wesley Fitzgerald formally proposed that, in accordance with Section 249 of the Local Government Act 1972, the above persons, who had in the opinion of the Council rendered eminent and distinguished service as past Members of the Council be admitted to the Roll of Honorary Aldermen of Cheshire East Borough Council and be thereby entitled to the rights and privileges of an Honorary Alderman and this was seconded by Cllr Dorothy Flude.

RESOLVED

That, in accordance with Section 249 of the Local Government Act 1972 :

Mr Ainsley Arnold
Mr David Cannon
Mr Brian Dykes
Dr John Goddard
Mr Andrew Knowles
Mr Tony Ranfield
Mr Ray Westwood

being persons who had in the opinion of the Council rendered eminent and distinguished service as past Members of the Council be admitted to the Roll of Honorary Aldermen of Cheshire East Borough Council and be thereby entitled to the rights and privileges of an Honorary Alderman.

(The motion was carried unanimously, thereby complying with section 249(5) of the Local Government Act 1972 (amended by Section 180 of the Local Government Planning and Land Act 1980), which requires that the resolution is passed by not less than two-thirds of the Members voting).

The Mayor then announced the appointment of Aldermen Arnold, Cannon, Dykes, Goddard, Knowles, Ranfield and Westwood as Honorary Aldermen of Cheshire East Borough Council.

Tributes were then paid by the relevant group Leader for each of the Honorary Aldermen.

Each Alderman was then presented with a framed scroll and medal and they each addressed the Council, in turn.

The meeting commenced at 4.15 pm and concluded at 5.00 pm

Councillor R West (Chairman)
CHAIRMAN

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Council Meeting – 15 December 2011**Notice of Motion Submitted by Councillor D Brickhill**

In view of the obvious and continued failure of the Cabinet system, as evidenced by their inability, for a second year running, to manage their budget, letting it overrun by a predicted £16,000,000, with the resultant reductions of reserves to a dangerously low level, this Council instructs its Constitution Committee to prepare the necessary amendments to bring about a proven successful system of governance, similar to the earlier committee systems of the successful predecessor Councils, to begin from the start of the 2012/13 financial year.

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Council Meeting – 15 December 2011

Notice of Motion Submitted by Councillors D Newton and S Hogben

This Council believes that elected Members are entitled to be provided with accurate and meaningful financial information, upon which they can form views and base judgments during the ongoing budget preparation and scrutiny process.

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Council Meeting – 15 December 2011

Notice of Motion Submitted by Councillors R Fletcher and D Hough

FEED IN TARIFFS

This Council notes that increasing numbers of households are installing photo voltaic panels on their roofs, lowering the carbon usage and dependency on fossil fuels.

This has resulted in the creation of new jobs.

Social Landlords have installed, or are considering installing PV panels on some multiple tenanted properties, with tenants able to use the electricity generated to reduce fuel poverty.

This Council also notes the consultation on changes to the feed in tariff, which currently helps to fund these installations

Council is concerned that halving the tariff at short notice is causing problems for installers and users. Any reductions in the number of systems being installed will mean fewer jobs and will undermine the aim of increased low carbon energy supplies.

The proposal to apply a lower tariff to multi installation schemes could exclude social Landlords and their tenants from the scheme.

Council, therefore, agrees to write to the Prime Minister, the Secretary of State for energy and climate change asking that:

- 1 The tariff is reduced progressively to enable the industry and householders to adjust. NO reductions before April 2012.
- 2 A community Tariff for social housing providers is established, excluding them from the proposed multi-user lower rate.
- 3 That The Local Government Association be copied into any correspondence to help in their lobbying work with the Government.

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COUNCIL MEETING – 15TH DECEMBER 2011**Extract from the Minutes of the Cabinet Meeting on 28th November 2011****SHADOW HEALTH AND WELLBEING BOARD - TERMS OF REFERENCE**

Consideration was given to the progress to date in establishing the Cheshire East Shadow Health and Wellbeing Board, and to the Terms of Reference for the Board which would then be submitted to Council for approval.

The Terms of Reference had been created for the Shadow Board, which would operate between April 2012 and March 2013; it was anticipated that they might require amendment upon review of the final detail of the enacted Health and Social Care Bill and in advance of the Board moving from Shadow form to that of a statutory committee.

RESOLVED

1. That progress to date in establishing the Cheshire East Shadow Health and Wellbeing Board be noted.
2. That Council be recommended to approve the Shadow Health and Wellbeing Board Terms of Reference.
3. That it be noted that the Terms of Reference of the Shadow Health and Wellbeing Board will be reviewed in 2012-13 as outlined in para 1.4 of the report.

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CHESHIRE EAST COUNCIL

REPORT TO: Cabinet

Date of Meeting: 28 November 2011

Report of: Lorraine Butcher & Heather Grimbaldeston

Subject/Title: Report on the Shadow Cheshire East Health and Wellbeing Board Terms of Reference

Portfolio Holder: Cllr Domleo
Cllr Gaddum
Cabinet Support Member Cllr Clowes

1.0 Report Summary

- 1.1 This report intends to inform Cabinet of the progress taken to establish the Cheshire East Shadow Health & Wellbeing Board and to gain Cabinet approval of the Terms of Reference for the Board before being sent to full Council for approval.
- 1.2 A Visioning Event was held on the 29th June 2011 involving a range of stakeholders to contribute to the Board's development, specifically in relation to its *vision, priorities, success measures* and *future model architecture*. The detailed summary and outputs from this event can be located within [Appendix 1](#).
- 1.3 Advice from the Borough Solicitor has been sought around governance of the Board and this has informed the Shadow Boards Terms of Reference. The full Terms of Reference can be seen in [Appendix 3](#). These Terms of Reference have also been shared with the Health and Wellbeing Scrutiny Committee.
- 1.4 The Terms of Reference have been created for the operation of the Shadow Health and Wellbeing Board during its shadow year of April 2012 to March 2013. It is anticipated that the content of the Terms of Reference may require amendments upon review of the final detail of the enacted Health and Social Care Bill and/or when further guidance is available on the governance and statutory responsibilities of the Board. The Terms of Reference will also have to be reviewed in advance of when the Board moves from Shadow form to that of a Statutory Committee.
- 1.5 A Working Group has been formed to support the development and commencement of the Shadow Health and Wellbeing Board. This working group have produced the current Terms of

Reference for the Shadow Board with the support of the Borough Solicitor.

2.0 Decision Requested

- 2.1 To note progress to date in establishing the Cheshire East Shadow Health and Wellbeing Board.
- 2.2 To accept the Shadow Health and Wellbeing Board Terms of Reference.
- 2.3 To note that the Shadow Health and Wellbeing Boards Terms of Reference will be reviewed in 2012-13 as outlined in point 1.4 of this report.

3.0 Reasons for Recommendations

- 3.1 The Health & Social Care Bill ('the Bill) outlines how the often informal joint working arrangements of the past are to be replaced by better co-ordinated and more accountable organisations sharing responsibility for public health, social care and commissioning. At the heart of this proposal is the duty given to local authorities to establish statutory **Health and Wellbeing Boards** in every upper-tier unitary authority by April 2013.
- 3.2 The Health and Wellbeing Board will be responsible for connecting NHS bodies (Clinical Commissioning Groups, NHS Providers, NHS Commissioning Board and others) local authorities and other agencies (Police, Fire, 3rd Sector) to ensure better outcomes for our population. They will have a strong role in promoting joint commissioning and integrated provision between health, public health and social care. They will have a duty to involve users and the public. Similarly relevant partners have a statutory responsibility to take note of and cooperate with their partners on the Health & wellbeing Board.
- 3.3 The Health and Wellbeing Board will be required to provide vision and a co-ordinated drive to address the health and wellbeing needs of our population to reduce unacceptable and avoidable variations in health and healthcare. The Government intends for Health and Wellbeing Boards to become deep and productive partnerships and develop solutions to commissioning challenges, rather than just commentating.
- 3.4 Health and Wellbeing Boards are intended to have four main functions:
 - to assess the needs of the local population and lead the statutory **Joint Strategic Needs Assessment (JSNA)** of the local population.

- where all parties agree this makes sense and for the benefit of the population, to promote integration and partnership across areas, including through joined up commissioning plans and pooled budget arrangements across the NHS, social care and public health.
- to enhance joint working arrangements through the development of a **Joint Health and Wellbeing Strategy**, informed by JSNA intelligence, spanning the NHS, social care, public health and potentially other services. This strategy will assist the development of commissioning intentions, and subsequent procurement and contracting of health and social care services by commissioners. Local authority and NHS Commissioners will be required to have regard to the Joint Health and Wellbeing Strategy.
- to improve local democratic accountability for local decisions about commissioned services. This is intended to be achieved through the involvement of local HealthWatch, patients and the public in the work of the Board and by ensuring that local people have a greater say in how care is provided.

Additional duties also include:

- the co-ordination of pharmaceutical needs assessment - which will inform the commissioning of community pharmacy services by the NHS Commissioning Board and local public health commissioning decisions.
- a formal role in authorising clinical commissioning groups. The NHS Commissioning Board will have to take Health and Wellbeing Boards' views into account in their annual assessment of commissioning groups.

- 3.5 Health and Wellbeing Boards will discharge executive functions of Local Authorities, and will be expected to operate as equivalent Executive Bodies do in local government.
- 3.6 Health and Wellbeing Boards will be subject to oversight and scrutiny by the existing statutory structures for the Overview and Scrutiny of Local Authority executive functions.
- 3.7 Much of the detail remains outstanding or unclear on how the Health and Wellbeing Board will work once it is fully operational. This detail is expected to be seen in the final version of the Bill and from the outcomes of the National Learning Sets around Health and Wellbeing Board development. The development of the Shadow Health and Wellbeing Board will rely on local determination in the absence of such guidance.

- 3.8 This report draws together the progress made in respect of establishing the Shadow Cheshire East Health and Wellbeing Board, its initial membership and preparation to support its commencement as covered in the Terms of Reference (the detail of which will be outlined in [Section 10](#) of this report).

4.0 Wards Affected
All

5.0 Local Ward Members
All

6.0 Policy Implications

- 6.1 The health and wellbeing of the residents of Cheshire East is everyone's business and as such implications for future policy development, service redesign and budget setting should account for the impact on the health and wellbeing of our population and indeed the priorities of the Health and Wellbeing Board.
- 6.2 Membership of the Health and Wellbeing Board will be very much based on local needs and priorities (subject to those agencies or individuals who have the statutory right to sit on the board). Health and Wellbeing Boards, in considering their membership, will be free to invite other members to sit on the board in order to maximise the gain from health outcomes and align these with employment, welfare and reductions in offending. Subject to the minimum mandatory/statutory members as outlined in the Bill, the final membership will be up to each Board to determine.
- 6.3 The draft Bill makes the assumption that the roles of Director of Adults Services and Director of Children Services are two separate individuals both of whom are statutory members of the Health and Wellbeing Board and would be able to vote. At the second meeting of the Cheshire East Shadow Health and Wellbeing Board (25th October 2011) it was decided that the Head of Integrated Strategic Commissioning & Safeguarding would become a statutory officer of the Board to address the dual role of the Strategic Director for Children's, Families and Adult Services within the Council.
- 6.5 The Shadow Health and Wellbeing Board Working Group is undertaking an exercise, on behalf of the Shadow Health and Wellbeing Board, to identify the sub groups that will undertake the work for the Board and whom may report directly to the Board as a consequence. These arrangements will be reported in a further report once the exercise has been completed and the Bill has been enacted.

- 6.6 Currently there is no apparent requirement for the Safeguarding Boards or Safer Cheshire East Partnership to be accountable to the Health and Wellbeing Board. Therefore, the Board is free to look at this as a possibility. We will also need to be guided by regulations as they are produced.
- 6.7 The question of Board quorum requirements is also a level of detail which may be regulated in the future or alternatively it may be a matter for the Local Authority to determine. Currently the board has resolved that its quorum arrangements will be set at 50%. Board has also agreed that substitutes would not be appropriate other than for the GP Chairs of each Clinical Commissioning Group represented on the Board and for Cheshire East LINKs who represent the voice of Cheshire East residents.

7 Financial Implications

- 7.1 The Bill indicates that the Health and Wellbeing Board will be a major decision making body of the local authority forming part of the Council's governance arrangements and it will therefore **require dedicated support from Committee Services in a similar way to that of Cabinet. The resource implications for Democratic Services and for Children's, Families and Adult Services** will need to be considered in order to effectively support the board.

8 Legal Implications

- 8.1 A revision to the Bill outlined in the *Government response to the NHS Future Forum report*¹ was that local authorities will have the discretion to determine the number of Elected Members on the Board and will be free to insist upon having an overall majority of Elected Members. The Bill outlines that the Leader of the Council will nominate Elected Members to sit on the Board and may sit on the Board himself should he choose to do so. You will note in [Section 10.2](#) the initial membership.
- 8.2 The guidance is currently silent on Voting Rights and this is the level of detail which we would expect to see set out in the regulations as these become available. We will need to see the guidance on voting and non-voting members but **where officers are statutory members of the board it seems that it be logical that the intention will be that they will also be eligible to vote rather than merely be there to advise or inform the board.** The Shadow Health & Wellbeing Board has resolved to seek consensus in its decision making, and where appropriate

¹ <http://healthandcare.dh.gov.uk/detailed-response/>

individual organisational ratification of decisions may be needed until the Shadow Board becomes statutory.

- 8.3 At the moment the Bill indicates that the Health and Wellbeing Board will become a Committee of the Local Authority under Section 102 of the Local Government Act 1972 but the regulations may provide that certain enactments will not apply to the operation of the Board. This is crucial in contributing to our understanding of the governance of the Board. The latest guidance suggests that the Health and Wellbeing Board will discharge Executive functions and will be subject to overview and scrutiny and should therefore operate as an equivalent body to the Cabinet in Local Government.
- 8.4 We would therefore anticipate that the Board (once established in a statutory form) **will need to be a formal decision making body**, and will be subject to all the normal access to information provisions in terms of publicity, agendas, meeting in public, inspection of background documents etc. As the items are subject to overview and scrutiny presumably we will need to consider pre scrutiny / calling etc. The provisions for the Executive (i.e. Cabinet) do not currently require political balance and so we assume that this is likely to be the case for Health and Wellbeing Boards.
- 8.5 Again the intention around the reporting structure is not clear but we anticipate that when fully operational the Health and Wellbeing Board **will report direct to full Council**, as necessary. As it is undertaking an Executive role, it **is likely to be able to deal with the majority of issues without referral to full Council** but there may be some major or strategic issues which will require full Council approval. Again this may be laid out in regulations or maybe a matter for the Local Authority to determine. In its **shadow form the Board feels that there is advantage in reporting to Cabinet which meets more frequently and can ratify some of the interim decisions where this is necessary.**
- 8.6 The timeframe for the establishment of Health and Wellbeing Boards are as follows:

April 2012

Health and Wellbeing Boards are required to come into existence in shadow form by April 2012. In Cheshire East the Shadow Board has been established since September 2011.

April 2013

Subject to passage of the Bill, the Health and Wellbeing Board will become a statutory committee of the Local Authority and formally assume their powers and duties in April 2013.

9 Risk Management

9.1 Corporate risks have been determined in respect of Health Partnerships. This can be found in [Appendix 2](#) and will be reviewed quarterly.

9.2 Risks that face the Health and Wellbeing Board have been drafted and can be found in [Appendix 4](#).

10 Background and Options

10.1 A Visioning Event was held on the 29th June 2011 involving a range of stakeholders to contribute to the Board's development, specifically in relation to its *vision, priorities, success measures and future model architecture*. The detailed summary and outputs from this event can be located within [Appendix 1](#).

10.2 Following the Visioning Event, a letter of invitation to become Board members of the Cheshire East Shadow Health and Wellbeing Board was sent from the Chief Executives Office to the following people:

Organisation	Role	Post Holder
Cheshire East Council	Cabinet Portfolio Holder – Health and Wellbeing, Adults	Roland Domleo – Chair
Cheshire East Council	Cabinet Support Member	Janet Clowes
Cheshire East Council	Cabinet Portfolio Holder – Children & Families	Hilda Gaddum
Cheshire East Council	Chief Executive	Erika Wenzel
Cheshire East Council	Director Children's, Families and Adult Services	Lorraine Butcher
Central & Eastern Cheshire Primary Care Trust	Director of Public Health	Dr Heather Grimbaldeston
South Cheshire Health Clinical Commissioning Group	Chief Officer	Simon Whitehouse
South Cheshire Health Clinical Commissioning Group	Chair / GP Lead	Dr Andrew Wilson
Eastern Cheshire Clinical Commissioning Group	Chief Officer	Jerry Hawker
Eastern Cheshire Clinical Commissioning Group	Chair / GP Lead	Dr Paul Bowen
Cheshire East LINKs	Chair	Barrie Towse

In line with the majority of Health and Wellbeing Boards that are being set up nationally, invitations for membership of the initial Shadow Board followed the statutory membership guidance outlined in the Bill.

Before the first meeting of the Shadow Board (27th September 2011), Councillor Dorothy Flude, Leader of the Cheshire East Labour Group was also invited by the Leader of the Council to sit as a member of the Board.

10.3 The Shadow Health and Wellbeing Board has resolved to meet on a monthly basis. So far the Board have covered and agreed the following:

- that decision making by the Board will (wherever possible) be by consensus and agreement
- that Board members cannot be represented at Board meetings by a nominated deputy, with the exception of the GP Chair of a Clinical Commissioning Groups and the Chair of Cheshire East LINKs / HealthWatch
- the nomination of Lucia Scally, Head of Integrated Commissioning and Safeguarding to the Board (as outlined in [6.3](#))
- to follow a Code of Conduct based upon the Nolan Seven Principles of Public Life
- to be guided by a Forward Plan in the initial stages of Board development. This contains key areas of work that will support the Boards work in the next financial year e.g. consultation and engagement, LINKS to HealthWatch, JSNA refresh and Joint Health and Wellbeing Strategy development
- a draft Terms of Reference for the Shadow Board

10.4 A Health and Wellbeing Board Working Group has been formed, consisting of officers from Cheshire East Council and Assistant Directors of Public Health from Central and Eastern Cheshire Primary Care Trust. This Working Group has been tasked to work collectively to provide appropriate advice notes and reports for consideration as the Board progresses towards commencement of its first full shadow year from April 2012. The Terms of Reference is an example of the work of this group and is outlined within this report and attached at [Appendix 3](#).

10.5 The Terms of Reference details the following:

- The purpose of the Board
- The functions of the Board
- The Board membership
- The Boards nomination arrangements
- The Boards quorum arrangements
- The Boards decision making arrangements

- The reporting arrangements for the Boards sub groups
- The frequency of Board meetings
- The access to meetings by members of the public during the operation of the Shadow Board
- The governance arrangements of the Board within the Council Constitutional arrangements.
- The Code of Conduct for Board members
- The communication and wider engagement arrangements to inform Board decision making

10.6 The Terms of Reference have been created for the operation of the Shadow Health and Wellbeing Board during its shadow year of April 2012 – March 2013. It is anticipated that the content of the Terms of Reference may require amendments upon review of the final detail of the enacted Health and Social Care Bill and/or when further guidance is available on the governance and statutory responsibilities of the Board. The Terms of Reference will also have to be reviewed in advance of when the Board moves from Shadow form to that of a Statutory Committee.

Appendices

Appendix 1	Cheshire East Health and Wellbeing Board Visioning Event Summary	 Summary from Visioning Event.d...
Appendix 2	Corporate Health Partnership Risk Log	 Health Partnerships Risk Templ...
Appendix 3	Terms of Reference for Shadow Health and Wellbeing Board	 Board draft ToR.doc
Appendix 4	HWBB Risk Log	 HWBB Risk Log Sept11v1.xls

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Cheshire East Shadow Health and Wellbeing Board

Terms of Reference

(draft - October 2011)

1. Purpose

- to act as the Shadow Cheshire East Health and Wellbeing Board (the 'Board') with effect from September 2011 and 31st March 2013
- to oversee the creation and implementation of the Statutory Cheshire East Health and Wellbeing Board from 1st April 2013
- to oversee the delivery of transitional arrangements for health, social care and public health and to meet statutory requirements within the emerging health agenda
- to encourage strategic alignment and develop integrated ways of working for the purpose of advancing health and wellbeing and reducing health inequalities amongst the residents of Cheshire East,
- to determine health and social care improvement priorities across Cheshire East
- to provide high level leadership on the achievement of health and wellbeing priorities and the reduction in variances of health outcomes and experience

2. Functions

- to develop and foster a genuinely collaborative approach to the commissioning of improved health and care services for Cheshire East residents
- where appropriate, to identify and join up areas of commissioning across the NHS, social care, public health and other services which are directly related to health and wellbeing
- to take advantage of opportunities to more closely integrate the provision and procurement of both health and social care services
- to keep under review the financial and organisational implications of joint and integrated working across both health and social care services, ensuring that performance and quality standards for health and social care services to children, families and adults are met and represent best value for money across the whole system
- to develop a shared understanding of the needs of local communities within Cheshire East through the development of a comprehensive Joint Strategic Needs Assessment (JSNA) – and to oversee the development and refresh of the existing Cheshire East JSNA
- to oversee the development of future pharmaceutical needs assessments

- to seek to meet the needs identified by the JSNA through leading on the development and publication of a high level Joint Health and Wellbeing Strategy (JHWS) – ensuring that it provides an overarching framework for the local commissioning authorities in Cheshire East in order to inform their commissioning plans
- to performance manage the achievement of and progress against key outcomes identified within the JHWS
- to make recommendations on the priority of work programmes and allocation of resources to service providers and/or localities, targeted at those that have the most contribution to make in improving health and reducing health inequalities in order to achieve jointly agreed objectives and to maximise health gain
- to ensure that the local commissioning authorities within Cheshire East align their commissioning plans and priorities with those identified in the JHWS, and demonstrate how the JSNA and other appropriate evidence sources have been used in their commissioning decisions
- to have a formal role in authorising the Clinical Commissioning Groups within Cheshire East in accordance with national guidelines
- to consider options for the development of HealthWatch in Cheshire East ensuring that appropriate engagement and involvement with existing patient and service user involvement groups takes place
- to oversee the effective transfer of public health responsibilities and arrangements to Cheshire East Council
- to act as an effective forum for local democratic and public accountability of the NHS, social care for adults and children and other commissioned services that the Shadow Health and Wellbeing Board agrees are directly related to improving health and wellbeing and reducing health inequalities within Cheshire East
- to identify and act upon changes that may be required following the enactment of the Health and Social Care Bill in order to establish the statutory Health and Wellbeing Board to replace the Shadow Board
- to ensure robust arrangements are in place to enable a smooth transition into the statutory Board in time for 1st April 2013
- to propose recommendations from the Board to:
 - Cheshire East Council
 - Cheshire East Council Cabinet
 - Cheshire, Warrington and Wirral PCT Cluster
 - Eastern Cheshire Clinical Commissioning Group
 - South Cheshire Health Clinical Commissioning Group

3. Membership

Representation on the Shadow Board reflects the expected statutory membership as outlined in the Health and Social Care Bill. It is anticipated that membership of the Shadow Board will change over time and will be reviewed in light of the final detail in the Health and Social Care Bill, the right of local determination and as the Shadow Board evolves.

Shadow Board membership:

Organisation	Role	Post Holder
Cheshire East Council	Cabinet Portfolio Holder – Health and Wellbeing, Adults	Cllr Roland Domleo – Chair
Cheshire East Council	Cabinet Support Member	Cllr Janet Clowes
Cheshire East Council	Cabinet Portfolio Holder – Children & Families	Cllr Hilda Gaddum
Cheshire East Council	Cheshire East Labour Group Leader	Cllr Dorothy Flude
Cheshire East Council	Chief Executive	Erika Wenzel
Cheshire East Council	Director of Children's, Families and Adult Services	Lorraine Butcher
Cheshire East Council	Head of Integrated Commissioning and Safeguarding	Lucia Scally
Central & Eastern Cheshire Primary Care Trust	Director of Public Health	Dr Heather Grimbaldeston
South Cheshire Health Clinical Commissioning Group	Chief Officer	Simon Whitehouse
South Cheshire Health Clinical Commissioning Group	Chair / GP Lead	Dr Andrew Wilson
Eastern Cheshire Clinical Commissioning Group	Chief Officer	Jerry Hawker
Eastern Cheshire Clinical Commissioning Group	Chair / GP Lead	Dr Paul Bowen
Cheshire East LINKs	Chair	Barrie Towse

3.1 Board member nomination

The Health and Social Care Bill outlines that:

- the executive leader of Cheshire East Council will nominate Councillors for membership onto the Board
- Cheshire East Council can nominate such other persons, or representatives of such other persons, as the local authority thinks appropriate
- at any time after a Health and Wellbeing Board is established, Cheshire East Council before appointing another person to be a member of the Board must consult the Board for approval

- nominations for additional Board members by existing Board members using the agreed nomination process will need to be approved by the Board

3.2 Board meeting attendance

The quorum for a meeting shall be 50% of the membership, including at least one elected member, one representative from each of the Clinical Commissioning Groups and representation from Cheshire East LINKs/HealthWatch.

Board members cannot be represented at Board meetings by a nominated deputy, with the exception of:

- the GP Chair of a Clinical Commissioning Group
- the chair of Cheshire East LINKs / HealthWatch

3.3 Decision making

Decision making by the Shadow Board will (wherever possible) be by consensus and agreement. If a consensus cannot be reached, decisions will be taken on the basis of a simple majority of votes of those present and eligible to vote – voting will be by a show of hands. The Chair will have the casting vote if required. At least 50% of the members of the Shadow Board should be present for decisions to be taken.

Voting rights for Board members will be established in the light of the release of further guidance

3.4 Reporting sub - groups of the Board

The Shadow Board will oversee and receive reports from a set of sub-groups which will focus on the delivery of key areas. Under existing arrangement there are already a number of sub-groups in existence which will report to the Shadow Board.

Each sub-group will submit an annual report to the Shadow Board which will agree the outcomes for each sub-group for the next financial year

The Shadow Board will review the number and roles of sub-groups in light of legislation and local priorities as and when appropriate.

3.5 Frequency of meetings

Initially Shadow Board meetings will be held on a monthly basis. The frequency of meetings will be reviewed once the Board and its work programme are further established.

3.6 Access to meetings by members of the public

Whilst in its shadow form, meetings of the Board will not be held in public. The decision to hold meetings in public will need to be reviewed upon the formal constitution of the Cheshire East Health and Wellbeing Board in April 2013 as an Executive Committee of the Council with Executive powers.

3.7 Governance

The Shadow Board will not make binding decisions itself but will rely on the constitutional role of the statutory member organisations. The Board will work within the current schemes of delegations and accountability arrangements of the Council and NHS.

The Shadow Board will not:

- take the place of any statutory commissioning body
- exercise scrutiny duties around health or adult social care services. This will remain the role of the Cheshire East Health and Wellbeing Overview Scrutiny Committee and the Cheshire East Adult Social Care Scrutiny Committee. Decisions taken and work progressed by the Board will be subject to scrutiny by the appropriate Scrutiny Committee of the Council
- hold any budgets
- duplicate the role of existing Children's and Adults safeguarding responsibilities
- duplicate the role of the Children's Trust Board whilst it is in operation

3.8 Accountability

During the shadow period reporting accountability will be to the Council Cabinet. This may change following enactment of the Health and Social Care Bill

3.9 Code of Conduct

Board members will agree to adhere to the seven principles outlined in the Board Code of Conduct when carrying out their duties as a Board member

4. Communication and Wider Engagement

The Shadow Board will communicate and engage with:

- local people on how they can achieve the best possible quality of life and be supported to exercise choice and control over their personal health and wellbeing
- partner organisations who have a role, remit and interest in providing health and wellbeing services and improving the health and wellbeing of Cheshire East residents

In support of this, the Board will:

- develop and implement a Communications and Engagement strategy for the work of the Board
- organise a health and wellbeing stakeholder forum annually to inform on Board progress and to capture wider stakeholder views to help inform and shape Board priorities
- produce a yearly statement on progress made by the Board, identified priorities and an outline of the course of action for the following year

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Decision Notice

Notice is given that the following decision has been taken under the Provisions set out in the Council's Constitution

Decision-maker: Cabinet Member for Resources

Decision taken on: 28th November 2011

Decision in the matter of: Council Tax Base

DECISION: That the Cabinet Member for Resources recommends to Council that, in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, the amount to be calculated by Cheshire East Council as its Council Tax Base for the year 2012/13 is:
for the whole area – 146,807.37
for each Parish area as set out in Appendix A to the report

Background: In accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992 Cheshire East Council is required to agree its Tax Base before 31 January 2012 so that the information can be provided to Cheshire Police Authority and Cheshire Fire Authority for their budget processes. The Portfolio Holder is therefore requested to recommend the Tax Base to Council.

The Tax Base for the area is the estimated number of chargeable dwellings expressed as a number of Band D equivalents adjusted for an estimated number of discounts, exemptions, disabled relief and appeals plus an allowance for non-collection.

The Tax Base has been calculated on the assumption that properties remaining empty for longer than six months are allowed a discount of 0% and that properties regarded as second homes are allowed a discount of 10%.

It is necessary to further adjust the Tax Base for

Changes in the Valuation List

These could arise for a variety of reasons such as appeals, disabled relief, new properties, deleted properties and changes in discount or exemption entitlements.

Non-collection

It is suggested that a reduction of 1% be made in the Tax Base to accommodate non-collection.

Background Documents:

The background papers for this matter may be inspected by contacting the report author.

Approved:

Councillor Michael Jones (Cabinet Member)

Date:

28th November 2011

Advising Officer:

Alex Thompson

Title:

Finance Lead - Strategy

Issued by the Borough Solicitor

CHESHIRE EAST COUNCIL

Cabinet Member for Resources

Date of Meeting: 28th November 2011
Report of: Director of Finance and Business Services
Subject/Title: Council Tax Base 2012/13
Portfolio Holder: Councillor Mike Jones

1.0 Report Summary

1.1 This report notifies the Cabinet Member for Resources of the Council Tax Base for Cheshire East.

2.0 Recommendation

2.1 That the Cabinet Member for Resources, in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, recommend the amount to be calculated by Cheshire East Council as its Council Tax Base for the year 2012/13 as:

- for the whole area – 146,807.37
- for each Parish area as set out in Appendix A

3.0 Reasons for Recommendation(s)

3.1 In accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992 Cheshire East Council is required to agree its tax base before 31 January 2012.

4.0 Wards Affected

4.1 All

5.0 Local Ward Members

5.1 All

6.0 Policy Implications

6.1 n/a

7.0 Financial Implications

7.1 The calculation of the tax base contributes to the calculation of overall funding for Cheshire East Council in each financial year.

8.0 Legal Implications

8.1 Included in report

9.0 Risk Management Implications

9.1 Confirmation of the Council Tax base for 2012/13 ensures that the statutory requirement to set the Tax Base is met.

10.0 Background and Options

10.1 Cheshire East Council is required to approve its Tax Base before 31st January 2012 so that the information can be provided to Cheshire Police Authority and Cheshire Fire Authority for their budget processes.

10.2 The Tax Base for the area is the estimated number of chargeable dwellings expressed as a number of Band D equivalents adjusted for an estimated number of discounts, exemptions, disabled relief and appeals plus an allowance for non-collection. A reduction of 1% is included in the Tax Base calculation to allow for anticipated levels of non-collection.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Lisa Quinn

Designation: Director of Finance & Business Services

Tel No: 01270 686628

Email: lisa.quinn@cheshireeast.gov.uk

COUNCIL TAX-TAX BASE 2012/13

CHESHIRE EAST	BAND D EQUIVALENTS	TAX BASE 99%
Acton	132.84	131.51
Adlington	605.86	599.80
Agden	78.25	77.47
Alderley Edge	2,660.04	2,633.44
Alraham	188.24	186.36
Alsager	4,594.18	4,548.24
Arclid	118.91	117.72
Ashley	161.16	159.55
Aston by Budworth	180.38	178.58
Aston-juxta-Mondrum	90.64	89.73
Audlem	951.36	941.85
Austerson	41.72	41.30
Baddiley	123.72	122.48
Baddington	59.16	58.57
Barthomley	98.67	97.68
Basford	97.82	96.84
Batherton	23.91	23.67
Betchton	284.01	281.17
Bickerton	120.17	118.97
Blakenhall	72.10	71.38
Bollington	3,091.42	3,060.50
Bosley	198.83	196.84
Bradwall	83.97	83.13
Brereton	572.46	566.74
Bridgemere	67.40	66.73
Brindley	71.95	71.23
Broomhall	90.61	89.70
Buerton	221.26	219.05
Bulkeley	126.99	125.72
Bunbury	626.59	620.32
Burland	279.94	277.14
Calveley	131.74	130.42
Checkley-cum-Wrinehill	48.08	47.60
Chelford	643.66	637.22
Cholmondeley	80.86	80.05
Cholmondeston	78.68	77.89
Chorley	261.73	259.11
Chorley (Crewe)	48.22	47.74
Chorlton	499.72	494.72
Church Lawton	904.65	895.60
Church Minshull	210.68	208.57
Congleton	10,246.00	10,143.54
Coole Pilate	26.42	26.16
Cranage	623.79	617.55
Crewe	15,043.53	14,893.09
Crewe Green	96.37	95.41
Disley	1,961.29	1,941.68
Dodcott-cum-Wilkesley	189.78	187.88
Doddington	15.60	15.44
Eaton	182.21	180.39
Edeleston	38.67	38.28
Egerton	36.72	36.35
Faddiley	76.60	75.83
Gawsworth	865.37	856.72
Goostrey	1,102.26	1,091.24
Great Warford	456.66	452.09
Handforth	2,443.21	2,418.78
Hankelow	128.48	127.20
Haslington	2,423.50	2,399.27
Hassall	110.26	109.16
Hatherton	175.25	173.50
Haughton	101.47	100.46
Henbury	335.45	332.10
Henhull	26.20	25.94
High Legh	915.34	906.19
Higher Hurdsfield	343.78	340.34
Holmes Chapel	2,454.77	2,430.22
Hough	355.12	351.57
Hulme Walfield & Somerford Booths	162.49	160.87
Hunsterson	84.48	83.64
Hurleston	30.34	30.04

COUNCIL TAX-TAX BASE 2012/13

CHESHIRE EAST	BAND D EQUIVALENTS	TAX BASE 99%
Kettleshulme	177.77	175.99
Knutsford	6,073.86	6,013.12
Lea	23.42	23.19
Leighton	1,548.07	1,532.59
Little Bollington	87.57	86.69
Little Warford	37.44	37.07
Lower Peover	73.59	72.85
Lower Withington	301.94	298.92
Lyme Handley	73.49	72.76
Macclesfield	19,272.23	19,079.51
Macclesfield Forest/Wildboardclough	115.23	114.08
Marbury-cum-Quoisley	128.09	126.81
Marton	120.95	119.74
Mere	432.59	428.26
Middlewich	4,788.17	4,740.29
Millington	109.81	108.71
Minshull Vernon	121.75	120.53
Mobberley	1,485.63	1,470.77
Moston	184.04	182.20
Mottram St Andrew	388.48	384.60
Nantwich	5,567.84	5,512.16
Nether Alderley	382.84	379.01
Newbold Astbury-cum-Moreton	352.56	349.03
Newhall	362.50	358.88
Norbury	95.56	94.60
North Rode	125.03	123.78
Odd Rode	2,051.70	2,031.18
Ollerton with Marthall	301.10	298.09
Over Alderley	217.53	215.35
Peckforton	76.05	75.29
Peover Superior	395.05	391.10
Pickmere	378.13	374.35
Plumley with Toft and Bexton	400.20	396.20
Poole	67.74	67.06
Pott Shrigley	152.53	151.00
Poynton with Worth	6,119.55	6,058.36
Prestbury	2,134.85	2,113.50
Rainow	599.64	593.64
Ridley	66.80	66.13
Rope	829.05	820.76
Rostherne	86.20	85.34
Sandbach	6,889.55	6,820.65
Shavington-cum-Gresty	1,690.47	1,673.57
Siddington	196.94	194.97
Smallwood	291.76	288.84
Snelson	83.86	83.02
Somerford	186.61	184.74
Sound	105.77	104.71
Spurstow	193.71	191.77
Stapeley	1,348.47	1,334.99
Stoke	109.97	108.87
Style	371.30	367.59
Sutton	1,186.94	1,175.07
Swettenham	169.50	167.81
Tabley	212.86	210.73
Tatton	10.74	10.63
Twemlow	94.84	93.89
Walgherton	62.49	61.87
Wardle	63.36	62.73
Warmingham	112.16	111.04
Weston	886.80	877.93
Wettenhall	112.23	111.11
Willaston	1,315.37	1,302.22
Wilmslow	11,489.85	11,374.95
Wincle	92.74	91.81
Wirswall	43.22	42.79
Wistaston	3,123.57	3,092.33
Woolstanwood	261.95	259.33
Worleston	106.03	104.97
Wrenbury	476.34	471.58
Wybunbury	620.31	614.11
	148,290.27	146,807.37

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COUNCIL MEETING – 15TH DECEMBER 2011**Extract from the Minutes of the Strategic Planning Board Meeting on 9th November 2011****NOTICE OF MOTION: PLANNING PERMISSION FOR SOLAR PANELS**

Consideration was given to a Notice of Motion which had been submitted by Councillor D Brickhill at the Council meeting on 13 October which was referred to the Strategic Planning Board for advice and report back to Council for decision in December.

“That since the government is running the Photovoltaic roof panel scheme for householders to generate green electricity and have exempted this from all planning permission requirements, that this Council notify any enquirers that planning permission is not required and cease to require details, drawings or charges except for listed buildings or conservation areas for which permission is still required”

RESOLVED

That the report be noted and that Council be recommended to continue to adopt the approach as advocated within the Town and Country Planning (General Permitted Development) Order.

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CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of meeting: 9 November 2011
Report of: Strategic Planning and Housing Manager
Title: Notice of Motion: Planning Permission for Solar Panels
Portfolio Holder Cllr Rachel Bailey

1.0 Report Summary

- 1.1 At the Council meeting on 13 October 2011 the following Notice of Motion submitted by Councillor D Brickhill was referred to the Strategic Planning Board for advice and report back to Council for decision in December:

“That since the government is running the Photovoltaic roof panel scheme for householders to generate green electricity and have exempted this from all planning permission requirements, that this Council notify any enquirers that planning permission is not required and cease to require details, drawings or charges except for listed buildings or conservation areas for which permission is still required”

2.0 Decision Required

- 2.1 To note the report and recommends that the Council continues to adopt the approach as advocated within the Town and Country Planning (General Permitted Development) Order.

3.0 Reasons for Recommendation

- 3.1 To ensure fairness and consistency of practice in accordance with existing practice.

4.0 Financial Implications

- 4.1 There are no financial implications.

5.0 Legal Implications

- 5.1 There are no legal implications with the recommendation which would in accordance with existing legislative practice.

6.0 Risk Assessment

- 6.1 There are no risks associated with this decision.

7.1 The Council's Approach to Solar Panels & Planning

7.2 Part 40 of the Town & Country Planning (General Development Permitted Development) Order 1995 (as amended) grants extensive permitted development rights to householders wishing to establish solar panels on their property. In most cases planning permission is therefore not required.

7.3 However planning consent may be required if the solar panels exceed a certain size or occupy a certain position either on or within the grounds of a property. These parameters are clearly detailed within the specific legislation but are also simplified on the Council's website where residents can access links to an interactive 'virtual' house.

7.4 Residents can freely exercise their rights under the Permitted Development legislation accordingly. The Council however will seek details of plans and charges in two specific circumstances:

- In the case of planning permission being necessary (i.e. that it is not permitted development) – then plans and a fee is required in the normal way.
- In the case that the householder wants a written confirmation that the works are permitted development. This is a discretionary service normally provided for residents who want some comfort for when they come to sell their house. There is a small charge for this service and basic plans will also be required. Without such plans it is impossible to confirm whether works are indeed permitted development.

7.5 These circumstances aside, the Council does not require any documentation in relation to the planning aspects of domestic solar panels. (As a separate issue Building Regulations may be required – as the roof of a property may need to be strengthened to accommodate the panels and usually a new electrical connection is required)

8.0 Conclusion

8.1 It is considered that the existing permitted development legislation provides the correct balance for allowing local residents to erect solar panels without the need for any fees or to submit plans unless they want written confirmation. It also safeguards those situations whereby such development may be considered to be of such greater impact that they require further consideration via the submission of a planning application.

For further information:

Officer: David Malcolm – Southern Area Manager
Tel No: 01270 537411
Email: david.malcolm@cheshireeast.gov.uk

Background Documents:

- *Part 40 of the Town & Country Planning (General Permitted Development) Order 2005 (as amended)*

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COUNCIL MEETING – 15TH DECEMBER 2011**Extract from the Minutes of the Constitution Committee Meeting on 17th November 2011****41 DELEGATED POWERS RELATING TO CAR PARKING CHARGES**

Council on 13th October 2011 had considered the following motion by Councillor D Brickhill, seconded by Councillor A Moran, and had referred the motion to the Constitution Committee:

“That the delegated powers to officers to alter car parking charges be rescinded and the powers returned to the Cabinet Member.”

The existing delegations within the Constitution in relation to fees and charges were contained within paragraph 9.1 of the ‘Powers and Responsibilities of Officers’ section of the Constitution, which provided that “CMT Members shall determine the level of fees or charges payable in respect of any chargeable goods or services supplied”. In accordance with the existing constitutional provisions, to date decisions to approve variations to the charges made in relation to the use of off-street parking places had been taken by the Strategic Director (Places & Organisational Capacity) in conjunction with the Cabinet Member for Environmental Services.

Members felt that the setting of car parking charges were a matter of significant public concern and often local ward Members were not adequately notified or consulted. It was felt that such decisions should be taken by the relevant Cabinet Member at a public meeting, with an opportunity for local ward Members to comment, and for decisions to be subject to call-in and review if necessary.

RESOLVED

That Council be recommended to agree

- (1) that the Constitution be amended to provide that decisions relating to the variation of off-street parking places charges are made by the relevant Cabinet Member at a portfolio holder meeting; and
- (2) that the Borough Solicitor be authorised to make such changes to the Constitution as she considers necessary.

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CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 17th November 2011
Report of: Head of Safer and Stronger Communities
Subject/Title: Delegated Powers Relating to Car Parking Charges

1.0 Report Summary

- 1.1 The report provides the background to the existing delegations relating to the function of varying charges for the use of off-street parking places, and sets out the options open to the Committee when considering the motion referred to it by Council on 13th October 2011.

2.0 Recommendations

- 2.1 The Constitution Committee is requested to consider the motion relating to delegated powers to vary car parking charges referred to it by Council on 13th October 2011, and to resolve whether to recommend to Council either:

(a) that no amendment to the current delegation is made; or

(b) that an amendment to the Constitution is made, as set out within paragraph 10.5 of the report, so that decisions in relation to the variation of charges for the use of off-street parking places are made by the relevant Cabinet Member.

3.0 Reasons for Recommendations

- 3.1 At the meeting of Council on 13th October 2011 consideration was given to the motion “that the delegated powers to officers to alter car parking charges be rescinded and the powers returned to the Cabinet Member.” Council resolved that the motion stand referred to the Constitution Committee.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications (including Carbon reduction and Health)

- 6.1 None

7.0 Financial Implications (Authorised by the Borough Treasurer)

7.1 None

8.0 Legal Implications (Authorised by the Borough Solicitor)

8.1 Section 35C of the Road Traffic Regulation Act 1984 states that when an order made under section 35(1)(iii) of the 1984 Act makes provision as to the charges to be paid in connection with the use of an off-street parking place, the charges may be varied by notice. Regulation 25 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 provide that a 'notice of variation' given under section 35C must be published at least once in a newspaper circulating in the area in which the parking places to which the notice relates are situated at least 21 days before it is due to come into force. In addition, the authority is required by regulation 25(5) to display copies of the notice in the relevant parking places.

8.2 By virtue of the Local Authorities' Functions and Responsibilities (England) Regulations 2000 (as amended) the function of varying charges for the use of off-street parking places is an executive function.

8.3 The Constitutional implications are set out within paragraph 10.0 below.

9.0 Risk Management

9.1 No risks would appear to arise from the proposals contained within the report.

10.0 Background and Options

10.1 The motion considered by Council on 13th October 2011 was "that the delegated powers to officers to alter car parking charges be rescinded and the powers returned to the Cabinet Member."

10.2 The existing delegations within the Constitution in relation to fees and charges are contained within paragraph 9.1 of the 'Powers and Responsibilities of Officers' section of the Constitution, which provides that "CMT Members shall determine the level of fees or charges payable in respect of any chargeable goods or services supplied, work undertaken, or the loan or use of plant, equipment or machinery whether authorised by specific statutory provisions or local authority powers at large." This paragraph is read in conjunction with paragraph 14 of the Cabinet Member Responsibilities of the Constitution which states that each Cabinet Member is responsible for "in conjunction with the relevant officer of the Council, setting new external charges and revisiting current ones."

10.3 In accordance with the existing constitutional provisions, to date decisions to approve variations to the charges made in relation to the use of off-street parking places have been taken by the Strategic Director (Places & Organisational Capacity) in conjunction with the Cabinet Member for Environmental Services.

- 10.4 The Constitution provides that decisions made by individual Cabinet Members must be taken at formally constituted meetings, the arrangements for which are required to be publicised in advance in accordance with the Access to Information Procedure Rules.
- 10.5 The Committee is requested to consider the motion and to recommend to Council either (a) that no amendment to the existing delegations are required; or (b) that amendments should be made to the Constitution to provide that decisions relating to the variation of charges at off-street parking places are made by the relevant Cabinet Member. If the Committee resolves to recommend option (b), then it is suggested that the following amendments to the Constitution would be required:

To amend the Responsibilities of the Environment Services Portfolio Holder (page 74 of the Constitution) so that it reads:

- Highways Operational Management including:
 - Management of Highways Register
 - Highways Design, Maintenance, Parking (including decisions to vary the charges for the use of off-street parking places) and Decriminalisation of Parking Enforcement
 - Street Lighting, Signals and Signing
 - Traffic Management and Road Safety
 - Civil Engineering and Transport Operations, including public transport liaison and co-ordination

Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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Designation: Head of Safer & Stronger Communities

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COUNCIL MEETING – 15TH DECEMBER 2011**Extract from the Minutes of the Constitution Committee Meeting on 17th November 2011****42 LOCAL SERVICE DELIVERY COMMITTEES TERMS OF REFERENCE/MEMBERSHIP**

The Committee considered proposed terms of reference for the Local Service Delivery Committees for Crewe and Macclesfield as set out in the Appendix to the report.

It was noted that the Leighton ward had been inadvertently omitted from the list of wards for the Crewe Committee. Part of the ward covered an unparished area of Crewe.

The Macclesfield Committee had proposed the inclusion of some procedural rules relating to the nomination and appointment of the chairman and vice-chairman, and to member speaking and participation.

The Committee also considered the following motion by Councillor D Neilson, seconded by Councillor B Murphy, which had been referred to it by Council on 13th October 2011:

“In view of the consultative role of the Local Service Delivery Committee for Macclesfield, plus the request from the Cabinet in relation to precepting powers for the Committee and in order to enhance its mandate, to reflect opinion across the town, the Council requests the Constitution Committee to re-consider the Committee's composition, with a view to incorporating into its membership all elected Councillors for the unparished area.”

Members were reminded that Council at its meeting on 16th December 2010 had appointed the two Local Service Delivery Committees on a politically proportionate basis.

RESOLVED

That Council be recommended to approve the revised terms of reference for the Local Service Delivery Committees as set out in the Appendix to the report, subject to the addition of the Leighton ward for the Crewe Committee.

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CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 17th November 2011
Report of: Borough Solicitor
Subject/Title: Local Service Delivery Committees Terms of Reference/membership

1.0 Report Summary

- 1.1 Council approved the constitution of two Local Service Delivery Committees for the unparished areas of Crewe and Macclesfield, whose membership should be constituted on a proportionate basis 'to make representations to Cabinet and Council about the delivery of local services in the area and to monitor local services where a town or parish council acting under local devolution arrangements would have been expected to do so (but not otherwise)'.
- 1.2 At the first meeting of each of the Committees consideration was given to the Terms of Reference, which the Committees would operate under. The draft Terms of Reference, are appended to the report. The first paragraph has been amended slightly, to reflect the current position with regard to membership, which is currently on a politically proportionate basis. Each Committee gave consideration to the draft Terms of Reference and suggested the following changes:

Crewe Committee

- 1.3 The original resolution made by Council in respect of the membership of the Committee (i.e. that Ward Members representing the un-parished areas of Crewe be appointed) had been superseded by the resolution made by Council on 15 December 2010, which resolved that the Committee be appointed on a politically proportionate basis. The current membership of 4 Conservative, 1 Labour and 2 Independents reflects this decision. It was also noted that Leighton should also have been included in the list of wards affected, as a small proportion of the ward fell outside the parish boundary. The Committee resolved that, subject to the wording relating to membership of the Committee being amended to reflect the political proportionality of the Council and the inclusion of Leighton in the wards affected, that the Terms of Reference for the Local Service Delivery Committee (Crewe) be recommended to Council for approval.

Macclesfield Committee

- 1.4 With regard to the positions of Chairman and Vice-Chairman there was agreement that the Committee should nominate the Chairman and Vice-

chairman, rather than nominations coming via the political groups and it was recommended that this be added to the proposed Terms of Reference.

1.5 It was agreed that the process for speaking at Committee meetings would be that Members of the Committee would be invited to speak on a matter in the first instance, followed by Participating/Ward Members. In the light of the above, it was agreed that the following additions be made to the proposed Terms of Reference:

- That the nomination and appointment of the Chairman and the Vice-Chairman of the Committee be a function of the Committee.
- That the procedure for Participating Members be that they be invited to speak and to participate, after Committee Members, but prior to any decisions being taken. (Note - The Crewe Committee also agreed to adopt this approach and it is, therefore, suggested that it would be appropriate to include this in the terms of reference for both Committees).

Notice of Motion Relating to Membership of the Local Service Delivery Committee (Macclesfield)

1.6 At the meeting of the Council held on 13 October 2011, it was resolved that the following Notice of Motion, submitted by Councillors D Neilson and B Murphy, should stand referred to the Constitution Committee for consideration:

1.7 “In view of the consultative role of the Local Service Delivery Committee for Macclesfield, plus the request from the Cabinet in relation to precepting powers for the Committee and in order to enhance its mandate, to reflect opinion across the town, the Council requests the Constitution Committee to re-consider the Committee's composition, with a view to incorporating into its membership all elected Councillors for the unparished area.”

1.8 If the above change to membership is agreed, it will not be necessary to include details of the procedure/order of speaking in the Terms of Reference, as recommended by the Local Service Delivery Committee (Macclesfield), as all Councillors for the unparished area would be members of the Committee.

2.0 Recommendation

2.1 That

(1) the Committee recommend to Council that the Terms of Reference be approved and consider whether to also recommend the changes suggested by the Local Service Delivery Committees for Crewe and Macclesfield.

(2) the Committee decide whether to recommend to Council that the membership of the Local Service Delivery Committee (Macclesfield)

should be amended to comprise all elected Councillors for the unparished area, as proposed in the above Notice of Motion to Council.

3.0 Reasons for Recommendations

- 3.1 The Committees require Terms of Reference in order to operate effectively.
- 3.2 The Constitution Committee is required to consider the Notice of Motion, as submitted and to formulate advice and report back to Council.

4.0 Wards Affected

Crewe

Crewe North
Crewe East
Crewe South
Crewe West
Crewe Central
Crewe St. Barnabas
Leighton

Macclesfield

Macclesfield West and Ivy
Macclesfield Hurdsfield
Broken Cross and Upton
Macclesfield South
Macclesfield Central
Macclesfield Tytherington
Macclesfield East

5.0 Local Ward Members

Crewe

Cllrs Grant, M Martin, Newton, Thorley, Flude, Hogben, Nurse, Sherratt, Faseyi, Cartlidge, Bebbington.

Macclesfield

Cllrs Andrew, Harewood, Boston, L Brown, Hardy, Jeuda, Druce, K Edwards, Jackson, Murphy, Roberts, Neilson.

6.0 Policy Implications (including carbon reduction and health)

- 6.1 The Council's agreed arrangements must be clearly documented in the Constitution.

7.0 Financial Implications

- 7.1 No such implications arise from the proposals contained in this report.

8.0 Legal Implications

- 8.1 Once agreed, the arrangements will be included in the Constitution which can be amended by Council, following a recommendation of the Committee.

9.0 Risk Management

- 9.1 No risks would appear to arise from the proposals contained in this report.

10.0 Background and Options

- 10.1 The Committee will need to consider the options as set out in the decision requested and consider whether to recommended the proposed changes to the draft terms of Reference, as suggested by the Local Service Delivery Committees and the change in membership arrangements for the Macclesfield Committee, as proposed in the Notice of Motion, as set out in paragraph 1.2 of the report.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Julie North

Designation: Senior Democratic Services Officer

Tel No: 01270 686460

Email: Julie.north@cheshireeast.gov.uk

LOCAL SERVICE DELIVERY COMMITTEES - TERMS OF REFERENCE

Council has agreed that two Local Service Delivery Committees be constituted for the unparished areas of Crewe and Macclesfield, whose membership shall be constituted on a politically proportionate basis 'to make representations to Cabinet and Council about the delivery of local services in the area and to monitor local services where a town or parish council acting under local devolution arrangements would have been expected to do so (but not otherwise)'.

Membership

The Committees will be appointed at the Annual meeting of the Council.

Other Ward Members for the unparished areas, who are not members of the Committee will receive copies of all agenda papers and will be invited to participate.

Wards Affected

Crewe

Crewe North
Crewe East
Crewe South
Crewe West
Crewe Central
Crewe St. Barnabas

Macclesfield

Macclesfield West and Ivy
Macclesfield Hurdsfield
Broken Cross and Upton
Macclesfield South
Macclesfield Central
Macclesfield Tytherington
Macclesfield East

Proposed Terms of Reference

1. To consider the delivery of services in the relevant unparished area in relation to those services or asset types being transferred or devolved, as part of the overall local delivery arrangements across Cheshire East, consistent with the parished areas.
2. To consider the cost implications of the delivery of services or cost of assets in the relevant unparished area consistent with the agreed policy in parished areas.

3. To consider the cost and delivery implications in the context of a potential special expenses levy in the unparished area to represent the cost of delivery to provide consistency across Cheshire East
4. To make recommendations to Cabinet on the level of service provision for those services/assets being considered as part of the local delivery arrangements (in parished areas)
5. To make recommendations to Cabinet on any special expenses levy arising from point 4 above.

COUNCIL MEETING – 15TH DECEMBER 2011**Extract from the Minutes of the Constitution Committee Meeting on 17th November 2011****38 CALENDAR OF MEETINGS FOR 2012-2013**

The Committee considered the Calendar of Meetings for 2012-2013.

The frequency of meetings followed the practice previously adopted. Where possible, Fridays would be used for Member development sessions. Dates had also been scheduled for financial briefing/budget engagement events. As with previous years, the Committee Suite at Westfields had been reserved on Monday mornings for Portfolio Holder meetings.

Those consulted over the production of the Calendar included the Corporate Management Team, Cabinet, Committee Chairmen, Group Leaders and Group Whips.

RESOLVED

That the Calendar of Meetings for 2012-2013 be recommended to Council for approval.

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CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 17th November 2011
Report of: Democratic and Registration Services Manager
Subject/Title: Calendar of Meetings for 2012-2013

1.0 Report Summary

1.1 This report includes a draft Calendar of Meetings for Cheshire East Council for 2012-2013, together with an appendix of explanatory notes.

1.2 The Committee is invited to refer the draft calendar to Council for approval.

2.0 Recommendation

2.1 That the draft Calendar of Meetings for Cheshire East Council for 2012-2013 be recommended to Council for approval.

3.0 Reasons for Recommendations

3.1 The Council is required to give public notice of its meetings in order to fulfil its legal obligations under the Access to Information Rules set out in the Constitution and to meet its obligations under the Local Government Act 1972. The Calendar will assist the Council in meeting these requirements.

4.0 Wards Affected

4.1 All Wards

5.0 Local Ward Members

5.1 All Ward Members

6.0 Policy Implications (including carbon reduction and health)

6.1 None identified.

7.0 Financial Implications

7.1 None identified.

8.0 Legal Implications

- 8.1 There are no specific legal implications other than those identified in the main body of the report.

9.0 Risk Management

- 9.1 A published calendar of meetings enables effective business planning and decision making procedures.

10.0 Background and Options

- 10.1 As set out in its Constitution (Part 4 – Council Procedure Rule 1) the Borough Council is required to decide when its meetings will take place and these will be contained in a calendar of meetings.

It is for full Council to approve the calendar.

- 10.2 Under Part 3 of the Constitution, the Constitution Committee is responsible for:

“overseeing, monitoring, co-ordinating and implementing the Council’s administrative and political business, including....administrative arrangements forthe Council and other meetings.”

10.3 Calendar

A summary timetable is attached as **Appendix 1**.

Explanatory notes have been provided (**Appendix 2**) which indicates the assumptions made in drawing up the calendar; further details in respect of each of the Committees are also given.

Appendix 3 gives a more detailed month-by-month calendar.

10.4 Scheduling of Meetings

The frequency of meetings has followed the practice previously adopted. As far as possible, only one Committee per day has been scheduled. Where possible, Fridays have been avoided for Committee meetings; these are to be used for Member development sessions as and when required.

Scheduling of meetings has taken into account the business planning/performance reporting cycles. In addition, dates have been scheduled for financial briefing/budget engagement events.

Meetings which do not form part of the formal decision-making process will be omitted from the public calendar but will be added to the Members’ version for convenience. These include financial briefings/budget consultation events, Member development sessions and meetings of the Police and Fire Authorities.

10.5 Portfolio Holder Meetings

As was in the case in 2011-12, the Committee Suite at Westfields, Sandbach has been reserved on Monday mornings for Portfolio Holder meetings. However, meetings will be arranged at the most appropriate venue, following consultation with Portfolio Holders.

10.6 Scrutiny Committees

The Corporate Management Team (CMT) meets on Tuesday mornings. Scrutiny Committee meetings which are held on Tuesdays have been scheduled in the afternoon to avoid coinciding with CMT. This will enable the appropriate CMT Officers to attend Scrutiny Committee meetings.

10.7 Sub-Committees

There are a number of sub-committees and other bodies which meet on an ad-hoc basis and are therefore not included in the calendar.

10.8 Consultation

The following have been consulted on the production of the Calendar:

- Corporate Management Team
- Cabinet
- Committee Chairmen
- Group Leaders
- Group Whips

10.9 Subject to any additional recommendations which Members may wish to make, the Committee is asked to refer the calendar to Council at its meeting on 15th December 2011 for approval.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Rachel Graves

Designation: Democratic Services Officer

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Email: rachel.graves@cheshireeast.gov.uk

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CHESHIRE EAST COUNCIL – CALENDAR OF PUBLIC MEETINGS 2012 - 2013

Committee	May 2012	June	July	Aug	Sept	Oct	Nov	Dec	Jan 2013	Feb	Mar	Apr
Council (Thursday) Times vary. Venue: to rotate around the Borough	16 11 am		19 6 pm			11 2 pm		13 2 pm		21 2 pm		18 6 pm
Cabinet Bodies												
Cabinet (Monday) 2.00 pm: Venue: to rotate around the Borough	28	25	23	20	17	15	12	10	7	4	4	2 (Tue) 29
Portfolio Holder Meetings Monday am As and when required												
Shared Services (Friday) 2.00 pm: Winsford	25	29	27	31	28	26	30	21	25	22	22	26
Joint Extra Care Housing Management Board (Tuesday) 4.00 pm Winsford					25						26	
Overview and Scrutiny Bodies												
Health and Wellbeing Scrutiny (Thursday) 10.00 am: Westfields		14	12		6	4	8	6	10	7	7	4
Cheshire & Wirral Councils' Joint Scrutiny Committee Dates/Times/Venues tba												
Corporate Scrutiny (Tuesday) 2.00 pm: Westfields		12	10		4	2	6	4	8	5	5	9
Adult Social Care Scrutiny Committee (Thursday) 10.30 am: Westfields	9		5		27		29		31		28	

CHESHIRE EAST COUNCIL – CALENDAR OF PUBLIC MEETINGS 2012 - 2013

Committee	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan 2013	Feb	Mar	Apr
Children and Families Scrutiny (Tuesday) 1.30 pm: Westfields	8	19	17		11	9	13	11	15	12	12	16
Environment and Prosperity Scrutiny (Tuesday) 2.00 pm: Westfields.		26	24		18	16	20	18	22	19	19	23
Sustainable Communities Scrutiny (Thursday) 10.30 am: Westfields	10	21	26		13	25	22	20	17	14	14	25
Regulatory Bodies												
Public Rights of Way Committee (Monday) 2.00 pm: Westfields		11			24			17			11	
Licensing (Monday) 2.00pm Westfields	29		16		10		5		14		18	
Strategic Planning Board (Wednesday) 2.00 pm Town Hall, Macclesfield	2 30	20	11	1 22	12	3 24	14	5	9 30	20	13	3 24
Northern Planning Committee (Wednesday) 2.00 pm Town Hall	23	13	4 25	15	5 26	17	7 28	19	23	13	6 27	17
Southern Planning Committee (Wednesday) 2.00 pm Municipal Buildings, Crewe	9	6 27	18	8 29	19	10 31	21	12	16	6 27	20	10
Corporate Bodies												
Constitution Committee (Thursday) 2.00 pm Westfields, Sandbach	31		5		20		15		24		21	

CHESHIRE EAST COUNCIL – CALENDAR OF PUBLIC MEETINGS 2012 - 2013

Committee	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan 2013	Feb	Mar	Apr
Audit & Governance Committee (Thursday) 2.00 pm: Westfields		28			27				31		28	
Staffing Committee 2.00 pm: Westfields			20 (Fri)			18 (Thu)			11 (Fri)			11 (Thu)
Standards Committee (Monday) 2.00 pm: Westfields, Sandbach		18	30		3	19		21		25		
Appeals Sub Committee (Thursday) 2.00 pm Westfields	31	21	26		13	25	22	20	17	14	14	25
Others												
Local Authority School Governor Appointments Panel (Friday) 10.30 am: Westfields	25					19				1		
Member Training Sessions		15	12 (pm) 13		14	12 23 (pm)	16 26 (pm)	6 (pm) 14	18 28 (pm)	15 7 (pm)	15	12
Financial Briefings/Budget Engagement			24						9			

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EXPLANATORY NOTES: CALENDAR OF PUBLIC MEETINGS 2012/2013**INTRODUCTION**

The draft Calendar of Meetings has been drawn up on the following basis –

- 1 Committee memberships will be agreed at Annual Council. Given the requirement to give adequate public notice of meetings, the first Committee meeting cannot be held before 25 May 2012 (LA School Governor Appointments Panel).

Note: Notwithstanding the above, there is a meeting of the Northern Planning Committee on 23 May 2012 and notice of the meeting will need to be given on 15 May 2012. This meeting was agreed in the previous year to ensure the maintenance of the planning cycle.
- 2 Portfolio Holder meetings have not been scheduled into specific dates, but for ease, Committee Suite 1+2 (Westfields) has been booked on Monday mornings between 9.00 am and 1.00 pm throughout the Municipal Year.
- 3 No meetings have been scheduled for Tuesday mornings to avoid coinciding with Corporate Management Team meetings
- 4 Council meetings and Cabinet meetings will rotate around the borough.
- 5 Meetings are held at Westfields, Sandbach unless otherwise specified.
- 6 Scheduling of meetings has taken into account the business planning/ performance reporting cycles. In addition, dates have been scheduled in for financial briefing/budget consultation events. These have been included in the tabular calendar attached as Appendix 1.
- 7 August has been retained as a recess for all Scrutiny Committee meetings.
- 8 As far as practicable, there is only one Committee meeting on each day and where possible, meetings of each Committee have been scheduled on a set day.
- 9 Police Authority and Fire Authority dates have been included in Appendix 3. These meetings will not be shown in the public calendar.
- 10 Member Development sessions have been included with the exception of August.

- 11 The draft Calendar of Meetings has been subject to the following consultation timetable:

Consultation Group	Date	Deadline for Comments/Meeting Date
Consultation with colleagues in Democratic Services	23 August	Comments by 7 September
Consultation with Officers in Finance and Performance for budget setting implications	23 September	Comments by 30 September
Draft Calendar to Officers of CMT	4 October	Comments by 14 October
Draft Calendar to Group Leaders, Group Whips, Committee Chairman and Cabinet Members	25 October	Comments by 2 November

Note 1

Council: In addition to Annual Council/Mayor-Making, there are 4 ordinary meetings and 1 budget meeting (Note: ordinary business is also dealt with at the budget meeting in February).

Venue: Annual Council/Mayor-Making will be held at Tatton Park, Knutsford. Other meetings of Council will rotate around the Borough, to include (a) Municipal Buildings, Crewe (b) Town Hall, Congleton (c) Macclesfield Town Hall.

=====

Note 2

Cabinet: Held every four weeks as far as possible.

Meetings: 13 meetings: Mondays - 2.00 pm. To be held on a Monday with the exception of 2 April 2013 - this is on a Tuesday due to a bank holiday.

Venue: Cabinet meetings rotate around the Borough. Meetings are held in Macclesfield, Sandbach and Crewe.

=====

Note 3

Audit and Governance Committee:

Meetings: 4 meetings: Thursdays at 2.00 pm.

Venue: Committee Suite 1, 2 and 3, Westfields, Sandbach

=====

Note 4

Constitution Committee:

Meetings: 6 meetings: Thursdays: 2.00 pm

Venue: Committee Suite 1, 2 and 3, Westfields, Sandbach

=====

Note 5

Health and Wellbeing Scrutiny Committee: Monthly – recess in August.

Meetings: 10 meetings: Thursday: 10.00 am

Dates for these meetings will need to be agreed with the Primary Care Trust (PCT).

Venue: Westfields, Sandbach.

=====

Note 6

CEC/CWAC/Wirral Joint Scrutiny Committee

There are four meetings each year.

Dates to be agreed with Cheshire West and Chester Council and Wirral Metropolitan Borough Council.

=====

Note 7

Corporate Scrutiny: Monthly meetings – recess in August.

Meetings: 10 meetings: held on Tuesdays at 2.00 pm.

Venue: Westfields, Sandbach

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Note 8

Children and Families Scrutiny:

Meetings: 11 meetings: held on Tuesdays at 1.30 pm.

Venue: Westfields, Sandbach

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Note 9

Environment and Prosperity Scrutiny:

Meetings: 10 meetings held on Tuesdays at 2.00 pm

Venue: Westfields, Sandbach

=====

Note 10

Sustainable Communities Scrutiny:

Meetings: 11 meetings held on Thursdays at 10.30 am

Venue: Westfields, Sandbach

=====

Note 11

Adult and Social Care Scrutiny:

Meetings: 6 meetings bi-monthly on a Thursdays at 10.30 am

Venue: Westfields, Sandbach

=====

Note 12

Standards Committee: Future role of Committee dependant upon the passage of the Localism Bill

Meetings: 6 meetings: Mondays at 2.00 pm

Sub-Committee meetings: There are three Sub-Committees, the membership of which is drawn from the main Committee; these will meet as and when required.

=====

Note 13

Staffing Committee: Meetings scheduled in July (Fri), October (Thurs) January 2013 (Fri) and April (Thurs). It has not been possible to schedule meetings of this Committee on a set day.

Meetings: 4 meetings: 2.00 pm. These meetings are preceded by a briefing meeting starting at 1.00 pm.

=====

Note 14

Appeals Sub Committee: Meetings have been scheduled monthly.
Meetings: 10 meetings: Thursdays – 2.00 pm
Venue: Committee Suite, Westfields, Sandbach (Meeting held in No. 1/2 with No. 3 used as waiting area for appellants.)

=====

Note 15

Public Rights of Way Committee: Meetings scheduled in June, September, December and March.
Meetings: 4 meetings: held on Mondays at 2.00 pm
Venue: Westfields, Sandbach

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Note 16

Strategic Planning Board: Scheduled on 3-week cycle.
Meetings: 17 meetings: Wednesdays - 2.00 pm
Venue: Capesthorne Room, Macclesfield Town Hall.

=====

Note 17

Northern Planning Committee: 3-week cycle
Meetings: 16 meetings: Wednesdays - 2.00 pm
Venue: Capesthorne Room, Town Hall, Macclesfield

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Note 18

Southern Planning Committee: 3-week cycle
Meetings: 16 meetings: Wednesdays -2.00 pm
Venue: Council Chamber, Municipal Buildings, Crewe

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Note 19

Licensing Committee:
Meetings: 6 meetings bi-monthly on: Mondays at 2.00 pm except 29 May 2012 meeting which is on a Tuesday
Venue: Westfields, Sandbach
Sub-Committees will meet as and when required.

=====

Note 20

Shared Services Joint Committee: Scheduled monthly.

Meetings: 11 meetings: Fridays: 2.00 pm

Venue: Wyvern House, Winsford

Dates have been scheduled, but need to be agreed with Cheshire West and Chester Council.

=====

Note 21

Budget Consultation/Financial Briefings

Budget consultation meetings are an essential part of the budget-setting process. Financial Briefings and Budget Engagement events have been included. These will not be added to the public calendar but will be included in the Members' Diary.

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CHESHIRE EAST COUNCIL – DRAFT CALENDAR OF PUBLIC MEETINGS 2012-2013

May 2012						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1	2 Strategic Planning Board – 2 pm	3	4	5
6	7 Bank Holiday	8 Children & Families Scrutiny – 1.30 pm	9 Adult Social Care Scrutiny – 10.30 am Southern Planning 2 pm	10 Sustainable Communities Scrutiny - 10.30 am	11	12
13	14	15	16 ANNUAL COUNCIL 11 am Tatton Park	17	18	19
20	21	22	23 Northern Planning Committee – 2 pm	24	25 LA School Governor Appointments Panel 10.30 am	26
27	28 Cabinet – 2 pm	29 Licensing Committee – 2 pm	30 Strategic Planning Board – 2 pm	31 Constitution Committee – 2 pm		

June 2012						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Note: School Holidays 4 to 8 June					1	2
3	4 Bank Holiday	5 Bank Holiday	6 Southern Planning 2 pm	7	8	9
10	11 Public Rights of Way Committee 2 pm	12 Corporate Scrutiny 2 pm	13 Northern Planning Committee – 2 pm	14 Health & Wellbeing Scrutiny – 10.00 am	15 Member Training	16
17	18 Standards Committee – 2 pm	19 Children & Family Scrutiny – 1.30 pm	20 Strategic Planning Board – 2 pm	21 Sustainable Communities Scrutiny – 10.30 am Appeals Sub Committee – 2 pm	22	23
24	25 Cabinet – 2 pm	26 Environment & Prosperity Scrutiny 2.00 pm	27 Southern Planning 2 pm	28 Audit & Governance Committee – 2 pm	29 Shared Services Joint Committee 2pm	30

July 2012						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1	2	3	4 Northern Planning Committee – 2 pm	5 Adult Social Care Scrutiny – 10.30 am Constitution Committee – 2 pm	6	7
8	9	10 Corporate Scrutiny 2 pm	20 Strategic Planning Board – 2 pm	12 Health & Wellbeing Scrutiny – 10.00 am Member Training	13 Member Training	14
15	16 Licensing Committee – 2 pm	17 Children & Family Scrutiny – 1.30 pm	18 Southern Planning 2 pm	19 COUNCIL 6 pm	20 Staffing Committee 2 pm	21
22	23 Cabinet – 2 pm	24 Environment & Prosperity Scrutiny 2.00 pm Finance Briefing	25 Northern Planning Committee – 2 pm	26 Sustainable Communities Scrutiny – 10.30 am Appeals Sub Committee – 2 pm	27 Shared Services Joint Committee 2pm	28
29	30 Standards Committee – 2 pm	31	Note: School Holidays 23 July to 1 September			

August 2012						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1 Strategic Planning Board – 2 pm	2	3	4
5	6	7	8 Southern Planning 2 pm	9	10	11
12	13	14	15 Northern Planning Committee – 2 pm	16	17	18
19	20 Cabinet – 2 pm	21	22 Strategic Planning Board – 2 pm	23	24	25
26	27 Bank Holiday	28	29 Southern Planning 2 pm	30	31 Shared Services Joint Committee 2pm	

September 2012						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
						1
2	3 Standard Committee – 2 pm	4 Corporate Scrutiny 2 pm	5 Northern Planning Committee – 2 pm	6 Health & Wellbeing Scrutiny – 10.00 am	7	8
9	10 Licensing Committee – 2 pm	11 Children & Family Scrutiny – 1.30 pm	12 Strategic Planning Board – 2 pm	13 Sustainable Communities Scrutiny – 10.30 am Appeals Sub Committee – 2 pm	14 Member Training	15
16	17 Cabinet – 2 pm	18 Environment & Prosperity Scrutiny 2.00 pm	19 Southern Planning 2 pm	20 Constitution Committee – 2 pm	21	22
23	24 Public Rights of Way Committee 2 pm	25 Joint Extra Care Housing Management Board 4 pm	26 Northern Planning Committee – 2 pm	27 Adult Social Care Scrutiny – 10.30 am Audit & Governance Committee – 2 pm	28 Shared Services Joint Committee 2pm	29
30						

October 2012						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1	2 Corporate Scrutiny 2 pm	3 Strategic Planning Board – 2 pm	4 Health & Wellbeing Scrutiny – 10.00 am	5	6
7	8	9 Children & Family Scrutiny – 1.30 pm	10 Southern Planning 2 pm	11 COUNCIL 2 pm	12 Member Training	13
14	15 Cabinet – 2 pm	16 Environment & Prosperity Scrutiny 2.00 pm	17 Northern Planning Committee – 2 pm	18 Staffing Committee 2 pm	19 LA School Governor Appointments Panel 10.30 am	20
21	22	23 Member Training	24 Strategic Planning Board – 2 pm	25 Sustainable Communities Scrutiny – 10.30 am Appeals Sub Committee – 2 pm	26 Shared Services Joint Committee 2pm	27
28	29	30	31 Southern Planning 2 pm	Note: School Holidays 22 to 26 October		

November 2012						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
				1	2	3
4	5 Licensing Committee – 2 pm	6 Corporate Scrutiny 2 pm	7 Northern Planning Committee – 2 pm	8 Health & Wellbeing Scrutiny – 10.00 am	9	10
11	12 Cabinet – 2 pm	13 Children & Family Scrutiny – 1.30 pm	14 Strategic Planning Board – 2 pm	15 Constitution Committee – 2 pm	16 Member Training	17
18	19 Standard Committee – 2 pm	20 Environment & Prosperity Scrutiny 2.00 pm	21 Southern Planning 2 pm	22 Sustainable Communities Scrutiny – 10.30 am Appeals Sub Committee – 2 pm	23	24
25	26 Member Training	27	28 Northern Planning Committee – 2 pm	29 Adult Social Care Scrutiny – 10.30 am	30 Shared Services Joint Committee 2pm	

December 2012						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
						1
2	3	4 Corporate Scrutiny 2 pm	5 Strategic Planning Board – 2 pm	6 Health & Wellbeing Scrutiny – 10.00 am Member Training	7	8
9	10 Cabinet – 2 pm	11 Children & Family Scrutiny – 1.30 pm	12 Southern Planning 2 pm	13 COUNCIL 2 pm	14 Member Training	15
16	17 Public Rights of Way Committee 2 pm	18 Environment & Prosperity Scrutiny 2.00 pm	19 Northern Planning Committee – 2 pm	20 Sustainable Communities Scrutiny – 10.30 am Appeals Sub Committee – 2 pm	21 Shared Services Joint Committee 2pm	22
23	24	25 Bank Holiday	26 Bank Holiday	27	28	29
30	31	Note: School Holidays 21 December 2012 to 4 January 2013				

January 2013						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1 Bank Holiday	2	3	4	5
6	7 Cabinet – 2 pm	8 Corporate Scrutiny 2 pm	9 Strategic Planning Board – 2 pm Finance Briefing	10 Health & Wellbeing Scrutiny – 10.00 am	11 Staffing Committee 2 pm	12
13	14 Licensing Committee – 2 pm	15 Children & Family Scrutiny – 1.30 pm	16 Southern Planning 2 pm	17 Sustainable Communities Scrutiny – 10.30 am Appeals Sub Committee – 2 pm	18 Member Training	19
20	21 Standard Committee – 2 pm	22 Environment & Prosperity Scrutiny 2.00 pm	23 Northern Planning Committee – 2 pm	24 Constitution Committee – 2 pm	25 Shared Services Joint Committee 2pm	26
27	28 Member Training	29	30 Strategic Planning Board – 2 pm	31 Adult Social Care Scrutiny – 10.30 am Audit & Governance Committee – 2 pm		

February 2013						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Note: School Holidays 18 to 22 February					1 LA School Governor Appointments Panel 10.30 am	2
3	4 Cabinet – 2 pm	5 Corporate Scrutiny 2 pm	6 Southern Planning 2 pm	7 Health & Wellbeing Scrutiny – 10.00 am Member Training	8	9
10	11	12 Children & Family Scrutiny – 1.30 pm	13 Northern Planning Committee – 2 pm	14 Sustainable Communities Scrutiny – 10.30 am Appeals Sub Committee – 2 pm	15 Member Training	16
17	18	19 Environment & Prosperity Scrutiny 2.00 pm	20 Strategic Planning Board – 2 pm	21 COUNCIL 2 pm	22 Shared Services Joint Committee 2pm	23
24	25	26	27 Southern Planning 2 pm	28		

March 2013						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1	2
3	4 Cabinet – 2 pm	5 Corporate Scrutiny 2 pm	6 Northern Planning Committee – 2 pm	7 Health & Wellbeing Scrutiny – 10.00 am	8	9
10	11 Public Rights of Way Committee 2 pm	12 Children & Family Scrutiny – 1.30 pm	13 Strategic Planning Board – 2 pm	14 Sustainable Communities Scrutiny – 10.30 am Appeals Sub Committee – 2 pm	15 Member Training	16
17	18 Licensing Committee – 2 pm	19 Environment & Prosperity Scrutiny 2.00 pm	20 Southern Planning 2 pm	21 Constitution Committee – 2 pm	22 Shared Services Joint Committee 2pm	23
24	25 Standard Committee – 2 pm	26 Joint Extra Care Housing Management Board 4 pm	27 Northern Planning Committee – 2 pm	28 Adult Social Care Scrutiny – 10.30 am Audit & Governance Committee – 2 pm	29 Bank Holiday	30
31	Note: School Holidays 29 March to 12 April					

April 2013						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1 Bank Holiday	2 Cabinet – 2 pm	3 Strategic Planning Board – 2 pm	4 Health & Wellbeing Scrutiny – 10.00 am	5	6
7	8	9 Corporate Scrutiny 2 pm	10 Southern Planning 2 pm	11 Staffing Committee 2 pm	12 Member Training	13
14	15	16 Children & Family Scrutiny – 1.30 pm	17 Northern Planning Committee – 2 pm	18 COUNCIL 6 pm	19	20
21	22	23 Environment & Prosperity Scrutiny 2.00 pm	24 Strategic Planning Board – 2 pm	25 Sustainable Communities Scrutiny – 10.30 am Appeals Sub Committee – 2 pm	26 Shared Services Joint Committee 2pm	27
28	29 Cabinet – 2 pm	30	Note: School Holidays 29 March to 12 April			

May 2013						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1 Southern Planning 2 pm	2	3	4
5	6 Bank Holiday	7	8 Northern Planning Committee – 2 pm	9	10	11
12	13	14	15 ANNUAL COUNCIL 11 am	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

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COUNCIL MEETING – 15TH DECEMBER 2011

Extract from the Minutes of the Standards Committee Meeting on 21st November 2011

APPOINTMENT OF PARISH COUNCIL MEMBER TO STANDARDS COMMITTEE

The Committee was invited to consider and recommend to Council the appointment of Councillor Barbara Lawton of Odd Rode Parish Council to the vacant position of Parish Member on the Standards Committee. The vacancy had arisen when the previous Parish Member, Councillor Ken Edwards had been elected to Cheshire East Council on 5 May 2011.

In light of forthcoming changes and for the purposes of continuity, the term of office recommended for the post would be that of the existing Parish Members.

RECOMMENDATION: That Council be invited to RESOLVE that –

Councillor Barbara Lawton of Odd Rode Parish Council be appointed to Cheshire East Council Standards Committee as a Parish Member for the same term of office as existing Parish Members.

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CHESHIRE EAST COUNCIL

REPORT TO: STANDARDS COMMITTEE

Date of Meeting: 21 November 2011
Report of: Borough Solicitor and Monitoring Officer
Subject/Title: Appointment of Parish Council Member to Standards Committee

1.0 Report Summary

- 1.1 The report seeks to appoint a Parish Member to the current vacancy on the Standards Committee.

2.0 Decision Requested

- 2.1 That the Standards Committee recommends to Council that -

Councillor Barbara Lawton of Odd Rode Parish Council be appointed to Cheshire East Council Standards Committee as a Parish Member for the same term of office as existing Parish Members.

3.0 Reasons for Recommendation

- 3.1 To fill the vacancy created by the election of the former Parish Member Councillor Ken Edwards to Cheshire East Borough Council in May 2011.
- 3.2 To ensure that the Standards Committee complies with the relevant regulations.

4.0 Wards Affected

- 4.1 None

5.0 Local Ward Members

- 5.1 None

6.0 Policy Implications including - Carbon Reduction - Health

- 6.1 None identified

7.0 Financial Implications

- 7.1 As this appointment will bring the Committee up to its full compliment of members, any financial reimbursement claimed by the post holder in accordance with Paragraph 5.2 of Cheshire East Council's Scheme of Members' Allowances 2011/2012 will be within existing budgets.

8.0 Legal Implications

- 8.1 The Council is required to have at least 25% membership of the Committee who are Independents and also to have Parish Council representation on its Standards Committee. The appointment of a third Parish Member will ensure that the Council is fully compliant with the relevant legislation and that all the places on the Standards Committee are filled.

9.0 Risk Management

- 9.1 The recruitment of Independent and Parish Members manages the risk to the Committee and Council of failing to meet its legal obligations.

10.0 Background to Nomination

- 10.1 Cheshire East Council has set the composition of the Standards Committee as comprising of 5 Independent members, 3 Parish Council members and 8 Cheshire East elected Members forming a membership of 16 in total.
- 10.2 On 9 December 2008, a report was submitted to Council seeking the appointment of three Parish Members to the Standards Committee for a period of four years. The nominations which Council subsequently approved were -
- Councillor Teresa Maureen Eatough, Weston and Basford Parish Council
 - Councillor Patricia Margaret Barnett, Twemlow Parish Council
 - Councillor Kenneth John Edwards, Bollington Parish Council
- 10.3 In May 2011, elections to Cheshire East Council were held and Councillor Ken Edwards was elected to the authority. As a Borough Councillor, by law he could no longer serve as a Parish Member thus creating a vacancy on the Committee.
- 10.4 When the Standards Committee was first appointed in 2008, it had sought nominations to the positions of Parish Member from the Cheshire Association of Local Councils (ChALC). To ensure continuity, an approach was again made to ChALC to seek nominations in respect of the current vacancy.

- 10.5 A job description and person specification was forwarded to the Association to enable it to carry out the required process. Parish Councils were then invited to bring the matter to the attention of their members for them to be able to make a personal decision on whether to apply.
- 10.6 Following the consultation, ChALC received two applications which were put to a ballot. ChALC's recommended appointee is Councillor Barbara Lawton from Odd Rode Parish Council.

11.0 Access to Information

- 11.1 The background papers relating to this report can be inspected by contacting the report writer:

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CHESHIRE EAST COUNCIL

REPORT TO: COUNCIL

Date of Meeting: 15 December 2011
Report of: Democratic and Registration Services Manager
Subject/Title: Member Mileage Rates

1.0 Report Summary

- 1.1 This report will enable Council to consider the mileage allowance which may be claimed by Councillors when travelling on approved Council business.

2.0 Recommendation

- 2.1 That the current Scheme of Members' Allowances be amended to reflect the following mileage rates which may be claimed by Members of the Council:

Miles per annum	451-999 cc	1000+ cc
Per mile, first 8,500	46.9p	52.2p
Per mile, after 8,500	13.7p	14.4p

- 2.2 That the above rates shall apply to all claims for reimbursement of the cost of travel with effect from 1st December 2011.
- 2.3 That the Borough Solicitor and Monitoring Officer be authorised to make consequential changes to the Scheme of Members' Allowances, which forms part of the Constitution.

3.0 Background and Options

- 3.1 The Scheme of Members' Allowances currently provides for Members to be reimbursed in respect of travel on Approved Duties.
- 3.2 At full Council on 21 April 2011 members agreed that the car rate, which may be claimed per mile, should be as follows:

Miles per annum	451-999 cc	1000-1199 cc	1200+ cc
Per mile, first 8,500	46.9p	52.2p	65.0p
Per mile, after 8,500	13.7p	14.4p	16.4p

- 3.3 The rates reflect, and on the recommendation of the Independent Remuneration Panel are linked to, the National Joint Council for Local Government Services - Casual User Officer rates.
- 3.4 However, the recent collective agreement with trades unions and officers of Cheshire East Council has resulted in a reduction of the mileage rates which may be claimed by officers of this Council from those set out in the NJC Agreement. These are now as follows:

Miles per annum	451-999 cc	1000+ cc
Per mile, first 8,500	46.9p	52.2p
Per mile, after 8,500	13.7p	14.4p

- 3.5 Following the collective agreement, Group Leaders have expressed their support for a reduction in the mileage rate which may be claimed by Members, notwithstanding that the current scheme links rates payable to the NJC scheme.
- 3.6 If Council resolved to do so, the Scheme of Member Allowances could be amended to reflect the rates which apply to officers, as set out in paragraph 3.4.
- 3.7 Group Leaders have indicated that any new mileage rates should apply with effect from 1st December 2011. Council could resolve that this should be the case, effectively backdating any reduction.
- 3.8 In the meantime the Portfolio holder for Resources has requested that a feasibility study be undertaken to look at the practical implications of a flat rate being paid to members in respect of reimbursement for Travel Allowances, which is a practice already adopted by a number of Authorities. Members would have the opportunity to comment fully on any such scheme.
- 3.9 It should also be noted that, whilst the Allowances Scheme provides for Members to claim for mileage incurred at the stated rates, Members may opt to claim at the HMRC rate of 45p per mile.

4.0 Financial Implications

- 4.1 There would be a potential financial saving of approximately £20k per annum, if the recommendations of this report were agreed.

5.0 Legal Implications

- 5.1 Any change to the Scheme of Members Allowances would necessitate a consequential change to the Constitution.

6.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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CHESHIRE EAST COUNCIL REPORT TO: COUNCIL

Date of Meeting:	15 December 2011
Report of:	Director of Finance and Business Services
Subject/Title:	Supplementary Estimates - Mid Year Review
Portfolio Holders:	Cllr Michael Jones

1.0 Report Summary

1.1 This report brings forward Cabinet recommendations for Supplementary Estimates contained within the Mid Year Review of Performance report for Council approval.

2.0 Decision Requested

2.1 Council is asked to approve the following:

- a Supplementary Revenue Estimate of up to £860,000 to be met from general reserves to meet one-off costs of the Pay Harmonisation package in 2011-12, as detailed in Appendix 1;
- a Supplementary Capital Estimate / Virement of over £1,000,000 for Church Lawton School as detailed in Appendix 2.

3.0 Reasons for Recommendations

3.1 Finance Procedure Rules set out the requirements for financial approvals by Members, and relevant recommendations are contained in this report.

4.0 Wards Affected

4.1 All

5.0 Local Ward Members

5.1 All

6.0 Policy Implications including - Climate change, Health

6.1 As contained in the report.

7.0 Financial Implications (Authorised by the Borough Treasurer)

7.1 As contained in the report.

8.0 Legal Implications (Authorised by the Borough Solicitor)

8.1 None

9.0 Risk Management

- 9.1 Financial risks are assessed and reported on a regular basis, and remedial action taken if and when required. Risks associated with the achievement of the 2011-12 budget and the level of general reserves will be factored into the 2012-13 Financial Scenario and Budget, and Reserves Strategy.

10.0 Background

- 10.1 On 28 November, Cabinet received the mid year review of performance report for the 2011-12 financial year. This included updates on the revenue budget position and on the Capital Programme. Cabinet approved requests for Supplementary Capital Estimates (SCE) and Virements up to £1m. However in accordance with Finance Procedure Rules, Cabinet resolved to ask Council to approve an SCE / Virement in excess of £1m for Church Lawton School, and a Supplementary Revenue Estimate to be met from general reserves for Pay Harmonisation costs.

11.0 Access to Information

- 11.1 The background papers relating to this report can be inspected by contacting:

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REQUEST FOR SUPPLEMENTARY REVENUE ESTIMATE

PAY HARMONISATION

1. The implementation of the agreed Pay Harmonisation proposals and the increment freeze in November and December will have both a permanent budgetary impact as well as generating one-off costs. The permanent budgetary position confirms that permanent savings of around £550,000 will be delivered against the planned savings target of £2.4m in 2011-12.
2. One-off costs will be incurred in 2011-12 to cover the following items:
 - Congleton Back Pay
 - Base Pay Protection costs
 - Mitigation costs for those staff who lose more than 5% from certain changes
3. It is estimated that total costs of £860,000 will be incurred in 2011-12 across these areas, and a Supplementary Revenue Estimate for up to this amount is requested, to be funded from general reserves. Wherever possible costs will be absorbed within existing budgets.
4. At the end of the financial year 2010-11 specific earmarked reserves totalling £698k were available to meet the likely one off costs of the package.

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REQUEST FOR SUPPLEMENTARY CAPITAL ESTIMATESpecial School for Children with Autism Spectrum Condition

1. One of the priority recommendations emerging from the Special Educational Needs and Disability (SEND) review was the identified need to develop local specialist provision for children and young people with Autism Spectrum Condition (ASC) between the ages of 4 to 19.
2. At its meeting on 28th November 2011, in a separate report on the agenda, Cabinet considered an outline business case for the development of a Special School, and approved in principle the further development of the feasibility study to establish a specialist provision on the Church Lawton Primary School site.
3. The capital cost for the refurbishment has been estimated at £1.617m and will be funded from the existing capital SEND allocation as follows:

	£
Schools Modernisation Programme	1,026,000
Targetted Capital Funding 14-19 Diploma	<u>591,000</u>
	<u>1,617,000</u>

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